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THE DOCTRINE OF THE Church of England,

Concerning the *Independency* of the

CLERGY ON THE LAY-POWER,

AS

To those Rights of theirs which are purely *Spiritual*, reconciled with our Oath of *Supremacy*,

AND THE

Lay-Deprivations

OF THE

Popish-Bishops in the beginning of the *Reformation*.

By the Author of *The Vindication of the depriv'd Bishops*.

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Hen. Dodwell

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THE DOCTRINE OF THE Church of England,

Concerning the *Iudependecy* of the *Clergy* on the *Lay-Power*, as to those *Rights* of theirs which are *purely Spiritual*, reconciled with our *Oath* of *Supremacy*, and the *Lay-Deprivaons* of the *Popish Bishops* in the beginning of the *Reformation*.

§I. *SINCE the finishing of the former Discourse, I have been warned of one* Prejudice *against the* Doctrine *delivered in it concerning the* Independancy *of* Church-Power *on the* State, *very necessary to be removed, in order to the* preparing *our late Brethren for an* impartial consideration *of what we have to say in it's* defence. *That is, that as our* Case *of* Protestant Bishops, *set up in opposition to other* Protestant Bishops *deprived by an* incompetent Authority, *is* new, *so our* Principles, *on which our Plea, in reference to the* Schism, *is grounded, are*

The *Independency* of *Bishops* on the *Sate*, pretended to be *contrary* to the *Oath* of *Supremacy*.

also charged with Novelty; *if not with regard to the* Doctrine *of the* first *and* purest *Ages of the* Christian Church, *yet, at least, with regard to the* Doctrine *of our late common Mother, the* Church *of* England; *and with regard to that* later Antiquity *which is derived no higher than the beginning of our* Reformation *from* Popery. *It is therefore pretended, that our* Doctrine *concerning the* undeprivableness *of the* Bishops *by the* Lay-Power, *is inconsistent with the* Supremacy *asserted to our* Princes *in all* Causes, *as well as over all* Persons, *that it is therefore inconsistent not only with all the* Lay Acts, *by which the* Supremacy *has been asserted, but also with all those* Acts *of the* Church, *by with she also hath concerned her self in this Dispute; with the* xxxvii. Article, *and the** Injunction *of Queen* Elizabeth *owned by an*† Act *of* Parliament *in her Reign, for an Authentical* Interpretation *of the* Supremacy; *with the* Doctrine *of the* Homilies, *and the several* Injunctions *of the* Ecclesiasticks, *for* explaining *and* recommending *the same* Doctrine *to the* Belief *and* Consciences *of their Auditors; particularly with the Second* Canon, *which* Excommunicates *all those who deny the* Supremacy *in any of those* branches *wherein it was allowed either to* Jewish, *or* Christian Princes; *and with all those* Legal Oaths, *for* maintaining *it, which have been taken not only by the generality of the* Laity, *but the* Ecclesiasticks *also, as many of them as have been admitted to any eminent* station *in the* Ecclesiastical Government. *Not now to descend so low as a particular enumeration of the suffrages of our most celebrated* Writers. *It is withal pretended, that this Power of* depriving *Bishops, has ever since the* beginning *of the* Reformation, *been allowed in the* Secular Magistrate *in the* Practice *of this* Supremacy, *as often as there has been* occasion *for it. The first* practice *of it was lodg'd by King* Henry *the* VIII. *in* Cromwell *a* Lay-man. *Yet his* Commission *Authorized him to proceed against the highest* Ecclesiasticks, *without exception, as far as* deprivation. *And in the same Reign* Bishops *were required to take out* Patents *from*

* Injunct. Q. *Eliz. An.* 1559.

† *Eliz.* 1.

In App. to Bishop *Burnet's* Hist. of Refor.

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from the King, *for even the* Spirituals *of their* Office, *their Power of conferring* Orders, *which* virtually *included all the* Rights *conveyable by* Orders *ſo conferred, the Right of* Preaching *the* Word, *and of* Adminiſtring *the* Sacraments: *Theſe if they were given by the* Lay Power *muſt, by neceſſary* conſequence, *be* deprivable *by it alſo. But they are ſenſible how little reaſon there is for making the Reign of that imperious and aſſuming Prince a* Reign *of* Precedents, *in arguing that what was* actually done *then, muſt therefore be preſumed to have been* well done, *and therefore* fit *to be* done *again. If this were allowed, they know very well, that no* Right *whatſoever, even for ſecuring the* Peoples Liberties (*which* they *pretend* moſt zeal *for, who have* leaſt *for thoſe of the* Clergy) *can be made ſo* ſacred *as to reſtrain the* Conſcience *of him who has, by any means, got the poſſeſſion of an over-ruling* force. *For he who made no* Conſcience *of invading the* Rights *of thoſe very* Perſons, *by whoſe* intervention *all other* Rights *were made* Sacred, *(even thoſe of* Magna Charta, *and the* Coronation Oaths *themſelves not excepted) could much leſs be terrified from* invading *thoſe* Rights *which could pretend to no other* Sacredneſs *than what had been* derived *from the* intervention *of thoſe ſame* Holy Perſons, *whoſe* own Rights *had been violated by him.*

§ II. *THIS conſideration therefore obliges our late Brethren to inſiſt on the* Precedents, *rather of King* Edward *the* VI. *and Queen* Elizabeth's *Reign, which they think not ſo eaſily avoidable by us. Here they tell us, that all the* Depriva-tions *of the* Popiſh Biſhops *were by no other than the* Secular Arm. *They tell us withall, that the* way *of* deprivation *by* Synods *of* Eccleſiaſtical Perſons *was, in their Caſe, perfectly* impracticable. *No Acts could have been reputed* Synodical, *but what had been carried by a* majority *of them, who had been allowed votes in* Synods, *who were only* Eccleſiaſticks. *But by this method of proceeding it was impoſſible that the* Popiſh Biſhops *could have been* deprived *at all, becauſe* themſelves *made a* majority *of the* Epiſcopal Colledge.

And contrary to the *Principles* on which the *Popiſh Biſhops* were *deprived*, and our preſent *Succeſſion* depends.

Colledge. *Here therefore they think, that we are not at* liberty *to queſtion, at leaſt, the* validity *of what was done in this affair. They think, we cannot do it with any* conſiſtency *with the* Principles *on which we inſiſt in our Plea againſt the preſent* Schiſmaticks. *They think, we cannot do it without* ſubverting *the* Rights *of thoſe ſame* Fathers, *for whoſe Rights we are our ſelves ſo eagerly concern'd. For if thoſe* un-ſynodical deprivations *of the* Popiſh Biſhops *then were* null *and* invalid, *the* Popiſh Biſhops *were ſtill the* true Biſhops *of their reſpective* Dioceſes, *to whom all the* Offices *of the* Subjects *of thoſe* Dioceſes *were ſtill in* Conſcience *due. And that on the ſame* Principles *on which we pretend our* deprived *Fathers to be ſtill, in* Conſcience, *the* Biſhops *of thoſe* Dioceſes, *of which they are ſaid to be* deprived, *and that they have* ſtill *a* Title *to the* Epiſcopal Dues *of the ſame* Dioceſes *from thoſe who were* Subjects *to them* before *the* deprivation, *on account of the* invalidity *of their* deprivation, *as not being* Synodical. *This being ſo, they think it will follow further, that the firſt* Proteſtant Biſhops *muſt, by* our Principles, *have been* Schiſmaticks, *as having been* ordained *into* full Sees; *that they muſt therefore not have been* ſecond Biſhops, *but* none *at all, according to our* Reaſoning *on St.* Cyprian's principles. *And this* Nullity *in the* Original, *they conceive ſufficient to affect the whole* Succeſſion *derived from that* Original. *Thus, they think, we cannot maintain any* Right *in our preſent* Fathers, *if* vacancies *made by* Lay Deprivations *be not allowed ſufficient to* legitimate *their* Titles *who are* poſſeſſed *of thoſe* Sees, *which are* vacated *by no other* Power *than what is* Laical. *This, I take to be the utmoſt of what they have to ſay upon this Argument.*

The *Authority* of the *Primitive Catholick Church* is greater than that of any *modern particular* one.

§ III. *I ſhould moſt heartily congratulate the* zeal *of theſe* Objectors *for our* Church, *were it* really *ſuch as it is* pretended *to be. But I can by no means commend any* zeal *for any* particular modern Church *whatſoever*, in oppoſition *to the* Catholick Church *of the* firſt *and* pureſt Ages.

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We cannot take it for a Reformation *that differs from that* Church *which ought to be the* Standard *of* Reformation *to all* later *degenerous* Ages, *at leaſt in things ſo* eſſential *to the* ſubſiſtence *and* perpetuity *of the* Church, *as theſe are which concern the* Independence *of the* Sacred, *on the* Civil, *Authority. Nor is it for the honour of our dear* Mother *to own her* deviation, *in things of ſo great importance, from the* Primitive Rule; *much leſs to pretend her* precedent *for* over-ruling *an* Authority *ſo much greater than* hers, *ſo much* nearer *the* Originals, *ſo much more* Univerſal, *ſo much leſs capable of* corruption, *or of* agreement *in any point that had been really a* corruption. *It is impoſſible that ever the preſent* Breaches *of the* Church *can be* reconciled, *if no* particular Churches *muſt ever allow themſelves the liberty of* varying *from what has* actually *been received by them, ſince the Ages of* diviſions, *the very* reception *thereof having proved the* cauſe *of thoſe* diviſions. *If therefore our* modern Churches *will ever expect to be again* united, *it muſt be by* acknowledgment *of* errors *in* particular Churches, *at leaſt in ſuch things as have* made *the* differences, *and which (whilſt they are* believed*) muſt make them* irreconcilable. *Such things could never proceed from* Chriſt, *who deſigning his* whole Church *for* one Body *and* one Communion, *could never teach* Doctrines *inconſiſtent with ſuch* Unity, *and deſtructive of* Communion. *And why ſhould a* Church, *ſuch as* ours *is, which acknowledges her ſelf* fallible, *be too* pertinacious *in not* acknowledging *miſtakes in her ſelf, when the* differences, *even between* Churches, *which cannot all pretend to be in the* Right *whilſt they* differ, *and differ ſo* greatly *from each other, are a manifeſt demonſtration of* errors *in* Authorities, *as great as her* own? *Nor can any ſuch* acknowledgments *of* actual errors *be* prejudicial *to* Authority, *where the* deciſions *of the* Authority *are to be* over-ruled *not by* private Judgments, *but by a* greater Authority. *And if any* Authority *be admitted as competent for* arbitrating *the preſent differences of* Communion *between*

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our modern Churches, *I know none that can ſo fairly pretend to it, as that of the* Primitive Catholick Church. *Beſides the other advantages ſhe had for* knowing *the* Primitive Doctrines *above any* modern *ones whatſoever, ſhe has withal thoſe advantages for a* fair deciſion, *which recommend* arbitrators. *She* knew *none of their* differences, *nor* dividing Opinions, *and therefore cannot be ſuſpected of* partiality. *And it was withal an* Argument *of her being* conſtituted *agreeably to the* mind *of her bleſſed Lord, that ſhe was ſo perfectly* one Communion *as he* deſigned *her. And the acquieſcence of* particular Churches *in* her deciſion, *is* eaſier *and* leſs mortifying, *than it would be to any* other Arbitrator. *To return to* her, *is indeed no other than to return to what* themſelves *were* formerly *before their* Diviſions, *or* dividing Principles. *So that indeed, for* modern Churches *to be determined by* Antiquity, *is really no other than to make* themſelves *in their* pureſt uncorrupteſt *condition,* Judges *of their* own Caſe, *when they have* not *the like ſecurity againſt* impurities *and* corruptions. *I cannot underſtand therefore how, even on account of* Authority, *our late Brethren can excuſe their pretended* Zeal *for even our common Mother the* Church *of* England, *when they preſume to* oppoſe *her* Authority *to that of the* Catholick Church, *and of the* Catholick Church *in the* firſt *and* pureſt *Ages. I am ſure we have been uſed to* commend *her for her* deference *to* Antiquity, *and to have the better* opinion *of any thing in her Conſtitution, as it was moſt agreeable to the* Patern *of the* Primitive Catholick *Church. Here by the way, I think it not amiſs to take notice of a miſtake common to* * *Dr.* Hody, *and the other* † Anſwerer *to the* Vindication *of the* deprived Biſhops. *The rather becauſe it is introduced by them both, with ſome inſulting triumph. The* Vindicator *had charged his Adverſaries with* Hereſie, *in regard of their* ſingular opinions *on which they inſiſted ſo far as to found their* Schiſm *upon them. This they both* retort *upon the* Vindicator *himſelf, as grounding his* Defence *on* opini-

* *P.* 14.

† Defence of the Church of *England, p.* 20, 21, 22.

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ons *now* ſingular, *and* different *from the greateſt* numbers *of our* preſent Churches. *I ſhould have thought their* retortion *juſt, if the* Vindicator *had grounded his* Defence *on* Opinions ſingular *in the* firſt Ages *of* Chriſtianity. *But they might both of them have obſerved that the* Vindicator *did not grant this to have been his* own Caſe. *He did* pretend *the* Principles *inſiſted on by himſelf to have been* generally *received, as* fundamental *to all the* Diſcipline *that was* practiſed *in the* firſt *and* pureſt Ages. *What was* generally *received then, and therefore to be* preſumed true *becauſe it was ſo, cannot* change *its nature by being afterwards as* generally *either* forgotten, *or* deſerted, *in* later *degenerous Ages. And as the* Vindicators *Cauſe did not, ſo neither did his deſign, nor Topick of* Reaſoning *from the* Senſe *of the* Primitive Catholick Church, *oblige him to be concluded by a* generality *in theſe* later *degenerous Ages. But this is again another inſtance of their* advancing *the ſenſe of our* particular modern Church, *as a ſtandard of* Primitive Catholick Antiquity. *But this is a deference too great, not only for our own* Mother, *but indeed, for any* particular Church *whatſoever, at ſuch a* diſtance *from* Primitive Originals.

§. IV. *HERE therefore we cannot be of our Adverſaries* mind: *But as for the* Duty *owing to our* particular modern Church *which is conſiſtent with her* Subordination, *we* ſtill *profeſs as great a* Zeal *for her as themſelves can, and are ready to* ſtrive *with them in a generous* Æmulation, *who ſhall beſt expreſs their* affection *to her, and their* zeal *for her* preſervation. *Indeed our difference from them is wholly grounded on ſuch Principles, as we ſhould think, in all other parallel Caſes, would be taken for Arguments of a* greater affection. *We are willing for a* Vindication *of her* Rights, *to expoſe our ſelves to all the effects of the* diſpleaſure, *not only of her* Adverſaries, *but even of her own* late Children, *and our own* late Brethren. *This is a* glory *wherein our preſent Adverſaries cannot pretend to* rival *us. Whatever they pretend of* good will *to her, they*

Even with regard to our *particular Church*, our behaviour ſignifies more *love* and *concern* for *her*, than that of our late *Brethren* does.

they cannot pretend to ſuffer *any thing for her. So far they are from that, that they are not contented to be* neuter, *and at leaſt to* connive *at their Brethren aſſerting their common Mothers* Rights: *They* defend *the* Magiſtrates encroachments *on their* Eccleſiaſtical Liberties. *Even the* Eccleſiaſticks *do ſo, whilſt the* Magiſtrate *has the diſpoſal of the* Eccleſiaſtical Revenues. *The* Doctor *has indeed wiſely* poſtponed *the* Vindication *of the* Magiſtrates Right *for* doing *what* has *been done,* (*though nothing* ſhort *of that can ſatisfie the* Conſciences *of* Eccleſiaſtical Subjects, *as to the* lawfulneſs *of* acquieſcence, *and* ſubmiſſion *to the* Invaders *of thoſe* Rights *which* they *are, by the* Conſtitution, *obliged to* defend;) *as* unwilling *to expoſe himſelf an* Eccleſiaſtick, *to the* odium *of* betraying *them. He therefore here proceeds on the Suppoſition, that the* Rights *of the* Church *are* invaded, *not only* injuriouſly, *but* invalidly; *and pretends to* prove (*after* his way *of proving by* naked Facts) *that we not only* may, *but* muſt, *ſubmit to the* Uſurpers. *Upon this he pretends what the* Vindicator *ſays for* diſproving *the* Right *of the* civil Magiſtrate *for* doing *what* has been *done, to have been* impertinent. *To what end is all this, but that he may* avoid *the* Odium *of* betraying *the* Rights *of his own* Function, *and of* defending *laical* Encroachments *on them? But I cannot conceive how* this *will excuſe him from this charge. He promiſes, in* another Book, *to defend* profeſſedly *what he is yet ſo willing to be* excuſed *from, even the* Right *of the* Magiſtrate *for ſuch* Invaſions. *He even* here *makes all* aſſerting *ſuch* Rights *impracticable, and unavailable for* preſerving *them. He makes the* Biſhops, *whoſe* Rights *are invaded,* obliged *in* Conſcience *to* yeild *as often as they are invaded, when the ſubſtituted* Succeſſor *is not a* Heretick, *that is, as often as there is no other queſtion, but only that concerning* Right. *And what can a* Plea *of* Right *ſignifie for* preſerving Right, *that muſt never be* inſiſted *on? We know all* Laws *make* frequent ceſſions *of* Right, *at length, to* extinguiſh *the* Right *it ſelf. Much more* that *muſt do ſo which is* perpetual, *as*

often

often as a ſtronger hand *is pleaſed to* invade *it. Much more that which muſt be* perpetually *yielded on* obligations *in* Conſcience. *And what can* reſtrain *the* Laity *from* invading *them as* often *as they pleaſe, when they are told before that the* Perſons *whoſe* Rights *they are,* muſt *not, nay* ought *not* oppoſe *them in it, if they will be* true *to* Obligations *of* Conſcience? *When they are told alſo, that this very* conſideration *of an* irreſiſtible force *is* alone *ſufficient to* oblige *them to it? Suppoſe notwithſtanding, the* Biſhops *not* ſatisfied *with what he ſays to* prove *their* obligation *to* recede; *yet he makes it* impoſſible *for them to* aſſert *their* Rights, *for he* diſcharges *the* Subjects *from* Duty *to them, whether they* will *or* no. *He pretends the* irreſiſtible force *ſufficient for this purpoſe, whether the* Eccleſiaſtical Superiors *will or no. And how then is it* poſſible *for ſuch* Eccleſiaſticks *to* aſſert *their own* Rights, *when they are oppreſſed by the* irreſiſtible force, *and* deſerted *by their* own Subjects? *He allows them indeed a liberty of* remonſtrating. *But what can even* that *avail them, when they neither have power to* enter *their* Remonſtrances *on any* Records, *or to* oblige *their* Adverſaries, *upon their* pleading *ſuch* Records, *not to* ſuffer *ſuch* violences *to be* Precedents *for* future practice?

§ V. *THUS if our common* Mothers *Authority be urged by our Adverſaries, as an Argument of their good will to* her, *I cannot ſee how they can, in that regard, pretend to* rival *us. They may indeed tell us, that our* Mother *has, by her* own Act *and Deed, in the* ſurrendry *of the* Clergy *in King* Henry *the* VIII^ths *time* deveſted *her* ſelf *of that* Authority, *which* before *that ſurrendry, was juſtly her* due. *Whatever the* belief *of* this *would ſignifie to ſhew our good will to* her; *I am ſure we might, by doing as the Objectors do, better ſignifie our good will to our* ſelves (*if we could conſiſtently with our* Duty *to* her, *qualifie our ſelves for the favours of the* Invaders *of her* Rights *and Priviledges*) *as far as gratifying* fleſh *and* blood, *can be taken for conſulting our own* Intereſts. *But ſtill, methinks, it ſhould be a greater*

We ſhew our greater *love* to our *Church*, particularly, in not *yielding* ſo *eaſily* as *they* do, that ſhe ſhould *loſe* her *Rights*, on any *terms*.

ter Argument of our good will *to our common* Mother, *to be* unwilling *that ſhe ſhould, on any terms, be* deprived *of whatever was once her* due. *Still, it would become* well-wiſhers *to* her, *not to be too* eaſie *in* believing *ſuch a ceſſion of* Rights, *though by* her ſelf, *till it were well* proved, *and proved ſtill to be* obliging. *Still, it would become well-meaning* Children *to be* willing *to* contribute, *as much as lay in them, to* recover *ſuch* Rights, *at any rate of* inconvenience *to* themſelves *that may be* leſs *to the* Publick, *than the* loſs *of ſuch* Rights, *of ſo great importance for the Publick Intereſts of* Souls. *And all worldly inconveniences would be reputed leſs by* generous *and* affectionate *Judges of the* Publick Intereſts. *Such would ſtill be favourable* Auditors, *of what might be produced for* diſcharging *her from ſuch Obligations of* Conſcience, *which if* ſtill *in force, may make it* unlawful *now to* retrieve *and* challenge *her* loſt Rights. *They would be* ambitious *of prudent and lawful* occaſions *of teſtifying their* love *to* her, *at the expence of* worldly loſſes, *when they might be once ſecured from any danger of* ſin *in incurring them. I am ſure it muſt needs argue more* love *and* good-will *to be ſo. Nor could they think it* imprudent *to retrieve publick* Spiritual Rights, *by* loſſes *only* private *and* temporary. *Eſpecially where there might be the leaſt appearance of* Duty *that might* oblige *them to it. That very* Duty *would over-rule* loving *and* dutiful Children, *beyond all* worldly *and* carnal *conſiderations to the contrary. Much more it would do ſo, when the* Duty *incumbent were pretended of ſo* great importance *as this here is by us, as that without it, we could not have a* Church, *or a* Communion *any longer, than it ſhould pleaſe the* Civil Magiſtrate; *that without it, we could have no* Principles *that might* cement *us under a* Spiritual Government *in a ſtate of* Perſecution, *at leaſt, that might* oblige *us to do ſo, as moſt certainly Chriſt has done. When theſe things were pretended, they would, at leaſt, let us know what might ſatisfie* them, *if it could not* us, *how theſe conſequences,* intolerable *to a true* lover *of the* Church *and* Religion,

might

might be avoided. *And till they could do ſo, they could not think the conſiderations hitherto inſiſted on by them, of an* irreſiſtible force, *&c. ſufficient to make amends for ſo abominable* conſequences. *But hitherto, they have not ſignified that* ſolicitude *for* avoiding *ſuch* conſequences, *which would certainly have become them as hearty* lovers *of* Religion. *Nor have they* attempted *any thing on their part, for a* re-union *with ſuch as differ from them in things which would be as much their intereſt, as ours, for us* all *to be* unanimous *in, if they really took the* ſubſiſtence *of our* Church *and our* Communion, *for our* common Intereſts. *How then can they, even in this regard, of their ſo* eaſily yielding *in matters of ſo intolerable* conſequence, *pretend to rival our* good will *to our* common Church *and* Communion?

§ VI. *BUT we muſt not ſuffer even our* good will *to our* Mother, *to miſlead us into any Acts of* undutifulneſs *to her, though it were on pretence of* ſaving *her.* Uzzah *laid hold on the* Ark *with a* good deſign, *when he thought it in danger of* falling. *Yet God ſtruck him* dead *upon the place, for venturing on his own judgment, to ſhew his* zeal *for him beyond what was allowable to his* Station. *So among the* Romans, Fabius Rullianus *with great difficulty eſcaped puniſhment for venturing, on his* private Judgment, *though with as* probable *a* proſpect, *and as* great ſucceſs, *as his General himſelf* Papirius Curſor *could have deſired; and that for fear of the many ill* conſequences *that might follow on it for the* future, *if ſuch a* Fact *had been, by its* impunity, *recommended to* poſterity *for a* precedent. *But I have already ſhewn* that *not to be our caſe* here. *We do not oppoſe our* private Judgments *to any* Authority *at all. But we oppoſe the* publick Judgment *of a* greater, *to that of a* lower, Authority. *Yet we have no need of inſiſting on that Plea at* preſent. *We can fairly reconcile our ſenſe in this affair with the* impoſed Senſe *of our dear* Mother *the* Church *of* England, *even as* eſtabliſhed *by* Law, *and with the full* deſign *of the* Legiſlators, *as far as that can be gathered, from the* Caſes

What we do is perfectly *conſiſtent* with the *Authorized* explication of the *Supremacy* veſted in the King.

 in

in proſpect *of which the* Laws *were made, and with* Authentical Interpretations *of the* meaning *of the* Legiſlators *themſelves* allowed *by both* Powers *concerned in them, as well the* Civil *which has impoſed them by* Civil, *as the* Spiritual, *which has done the ſame, by* Spiritual, *coercions. I know not what our* Adverſaries *themſelves can deſire more. And I cannot but look on it as a peculiar over-ruling* Providence, *that this is capable of being performed in a* Reformation, *wherein the* Eccleſiaſticks *have been ſo manifeſtly* overborn *by the* Laity, *and a* Laity *headed by a* Prince *ſo impatient of reſtraint, as* Henry *the* VIII. *was. Who could expect that, where the* encroachers *made themſelves* Judges, *in their own Caſe, and the true* Proprietors *were* forced *to* ſubmiſſions *and* ſurrendries *of their* Rights; *the determinations could be* juſt *and* equal *on both ſides*?

Arch-Bp. *Cranmers* Opinions in *Henry* the VIII. and *Edw.* the VI. time, perfectly *deſtructive* of all *Spiritual Authority.*

§ VII. *IN* Henry *the* VIII*th*s *time, under whom the* Oath *of* Supremacy *was firſt introduced, the* Invaſions *of the* Sacred Power *were moſt* manifeſt. *Yet ſo that even then, they appear to have been* Innovations *and* Invaſions. *But who can wonder at his* ſucceſs, *conſidering the* violent ways *uſed by him*? *So many* executed *by him for* refuſing *the* Oath? *The whole* Body *of the* Clergy *brought under a* Premunire, (*for doing no more than* himſelf *had done, in owning the* Legatine *Power of Cardinal* Wolſey,) *and fined* for it, *and* forced *to* ſubmiſſions *very different from the* ſenſe *of the* majority *of them*? *He did indeed pretend to be adviſed by ſome of the* Eccleſiaſticks, *as appears from ſeveral of their* Papers *ſtill preſerved. But they were only ſome* few *ſelected by himſelf, never fairly permitted to a* freedom *and* majority *of* ſuffrages. *And when even thoſe* few *had given their opinion, yet ſtill he reſerved the* Judgment *of their* reaſons *to* himſelf. *And to ſhew how far he was from being* indifferent, *thoſe of them who were moſt* open *in* betraying *the* Rights *of their own* function, *were accordingly advanced to the higher degrees in his* favour, *and were intruſted with the* management *of* Eccleſiaſtical *affairs. None had a greater ſhare in his*

Eccleſiaſtical *Counſels, than Archbiſhop* Cranmer. *Nor is there any who, upon all the Queſtions propoſed, wherein* Eccleſiaſtical Power *was concerned, does more* conſtantly *ſide with the* Kings *imperious humour againſt the true* Rights *of his own* Order. *He allows the* King *the* Rights *even of* preaching *the* word, *and* adminiſtring *the* Sacraments, *and allows neither of them to the* Eccleſiaſticks, *any further than as they* derived *them from the Princes* Lay Commiſſions. *He permitted indeed their* Conſecrations, *as he had found them, by thoſe of their own* order; *but derives nothing of their* Power *from thoſe* Conſecrations. *He makes the* Ceremonies *of* Conſecration *indifferent things, no way concerned in* conveying *the* Spiritual Power. *That he derives wholly from their* Lay Deputation. *He gives them a Power of* preaching *the* Word *and* adminiſtring *the* Sacraments *where the* Lay Powers *allow it, and he allows them neither where the* Secular Magiſtrate *forbids them. They muſt* admit *whom the* Laws *oblige them to* admit, *and they muſt not* excommunicate *any whom the* Secular Laws *take into their* protection. *The* Magiſtrate, *notwithſtanding his being a* Lay-man, *may perform theſe offices himſelf, if he pleaſed. And the* Eccleſiaſticks, *notwithſtanding their* Conſecration, *are not by* him *permitted to* perform *them, unleſs the* Magiſtrate *be pleaſed to give them leave. Nay ſo far he proceeds in his flattery of the* Civil Magiſtrate, *that he allows no more* gifts *of the* Holy Ghoſt, *in the* laying on of the hands of the Presbytery, *than in the collation of any* Civil Office. *Even in the* Apoſtles *themſelves, he rather* excuſes *than* commends *all the exerciſe of their* Spiritual Authority, *as neceſſitated to it by the exigency of their preſent Circumſtances. As if any* neceſſity *could excuſe* Uſurpation. *As if any* exerciſe *of a* Power *not* belonging *to them could have been ſeconded by ſo viſible manifeſtations of* God *himſelf, as that was which was exerciſed by the* Apoſtles. *Yet even* their Authority *he makes perfectly* precarious. *He owns no* obligation *on the* Conſciences *of the* Chriſtians *of thoſe times to* obey *even the* Apoſtles

See thoſe Papers publiſhed by Biſhop *Stillingfleet Iren. c. ult.* and by Biſhop *Burnet* Hiſt. of Refor. Part. I. Collect. n. XXI. B. III.

Apoſtles *themſelves, but aſcribes their* Obedience *then wholly to their* good will, *ſo as to leave it to their own liberty, whether they would be ſubject, or no. And why ſo? Only becauſe the Apoſtles had no* Civil Empire. *This wholly reſolves all* obligation *of* Conſcience *into Civil* Empire, *and makes it* impoſſible *for the* Church *to* ſubſiſt *as a* Society *and a* Communion *without the ſupport of the* Civil Magiſtrate. *Accordingly, that ſame Archbiſhop* Cranmer *took out a* Patent *for his* Epiſcopal Power, *preſerved by Biſhop* Burnet, *full of a Style ſo pernicious to* Eccleſiaſtical Authority. *He there acknowledges all ſort of* juriſdiction, *as well* Eccleſiaſtical *as* Civil, to have flowed originally from the Regal Power as from a Supream Head, and as a Fountain and Spring of all Magiſtracy within his own Kingdom. *He ſays they who had exerciſed* this Juriſdiction *formerly* (*for which he took out this* Patent) *had done it only* PRECARIO, *and that* they ought with grateful minds to acknowledge this favour derived from the Kings liberality and indulgence, and that accordingly they ought to yield whenever the King thought fit to require it from them. *And, to ſhew what* particulars *of* Eccleſiaſtical Power *he meant, his* Patent *inſtances the Power of* ordering Presbyters, *and of* Eccleſiaſtical coercion, *meaning (no doubt) that of* Excommunication. *Nay further, the ſame* Patent *gives him a* Power *of* Executing, *by the* Kings Authority, *thoſe very things* which were known to have been committed to him by God himſelf in the Scriptures, per & ultra ea quæ tibi ex Sacris Literis divinitus commiſſa eſſe dignoſcuntur. *By which we underſtand that no* branch *of* Spiritual Power *whatſoever was excepted. Yet all this grant was to laſt no longer than the* Kings pleaſure. *I know not what the* Lay Encroachers *themſelves can deſire more. Here is ſo little ſecurity for the Churches* ſubſiſting, *when the* Secular Laws *diſcountenance her, as that* ſhe *is not allowed the ſame liberty that* other ſubjects *have, of pleading the* Secular Laws *already* made *in favour*

Part II. Collect. Num. 2.

of

of her, but is left exposed to the Arbitrary *pleasure of the* Prince, *which is thought hard in the Case of* other Subjects. *This yoke the* Politicians *have lately imposed on the Church of* Scotland. *GOD, in his good time, release her from it.*

Archbishop *Cranmer's Authority* in these matters none at all.

§ VIII. *I have often wondered how the most learned Bishop* Stillingfleet *who* first *published the forementioned Papers, as far as they concerned Archbishop* Cranmer, *could think them consistent with his* own Principles : *They are so perfectly contradictory to his* Discourse *concerning the* Power *of* Excommunication *subjoyned in the* Second Edition *of the* Irenicum, *and indeed to the Doctrine of the* Irenicum *it* self, *as far as it was consistent with it* self, *or with any* one Hypothesis. *For sometimes he seems to doubt whether there can be any* Power *properly so called without* coercion, *or any* coercion *without* external force. *As if indeed the* fears *of the* future mischieves *attending* exclusion *from the* Priviledges *of* Church Communion, *had not been in the* purest Ages *of the* Christian Religion, *more properly* coercive *than the fear of any* evils *that were in the power of the* Secular Magistrate. *It is certain that good Christians* then *chose rather to suffer any thing the* Magistrate *could inflict, than* Excommunication. *But I more admire that such a* betrayer of Ecclesiastical Rights *should, by our* Ecclesiastical Historian *of the* Reformation, *be proposed as the* Hero *of his times, and as Exemplary to such as might, in his* opinion, *deserve the name of Heroes* still. *Yet he calls it a* strange Commission *in Bishop* Bonner, *when he took out a* Commission *from the* King *as to his* Spirituals, *conceived in the* same terms *with that of* Cranmer, *in the* particulars *now mentioned. He grants that* Bonners *inducement to take out that* Commission *was, that it was observed,* that Cranmers great interest in the King was chiefly grounded on some opinions he had of the Ecclesiastical Officers being as much subject to the King, as all other Civil Officers were. *Yet* Cranmer *was to be excused, because that* if *he* followed *that opinion* at all, *it was out of* Conscience.

Vol. I. Book III. p. 267.

Why

Why he ſhould doubt, whether he was *of that* Opinion, *I cannot gueſs, when himſelf has publiſhed thoſe very Papers of the learned Biſhop* Stillingfleet *wherein Archbiſhop* Cranmer *does ſo plainly own himſelf of that* opinion; *when he has alſo publiſhed* Cranmers *own* Commiſſion *to the ſame purpoſe. As little reaſon I can ſee why he ſhould ſay, that* Cranmer *was* once of that opinion *as if he had afterwards retracted it. The Papers upon the* Conſult *were written in* Henry *the VIIIth's time in the year* 1540. *And then, even by the Biſhops obſervation, the* change *of his* Opinion *had* loſt *his* intereſt *with the* King, *if is* Intereſt *had been* grounded *on that* Opinion. *But* Cranmer *kept to the* ſame Opinions *in the Reign of K.* Edward *the VIth. Then it was he took out his* Commiſſion. *The young King himſelf ſeems to have been of the* ſame Opinion, *in his* 2d. *Paper of the Biſhops* Collections, *which I can aſcribe to nothing more probably than to the Inſtructions of his Godfather. Nor does it appear the ABp. chang'd his mind afterwards. The only thing inſiſted on by our* Hiſtorian *to prove it, is his* ſubſcribing *a* Book *ſet out ſoon after, which teaches the contrary. But having already ſhewn that he* ſtill *retained the* ſame opinion *in the time of* Edward *the VIth, his* ſubſcription *cannot prove any* change *of his* opinion, *but that he* complyed, *whatever his* Opinion *was, when he found his* non-complyance *could not hinder the* contrary Opinion *from being acceptable. But indeed that* Book *was not ſo* clear *in that point that his* ſubſcribing *it would argue any* change *from his* former Opinions. *But our* Hiſtorian *ſays that when* Cranmer *maintained that opinion, he did it out of* Conſcience. *Perhaps it might have been ſo. But I am ſure it is but an ill* Argument *to prove it ſo, that his* intereſt *in the* King *was ſo viſibly promoted by it. Yet* if *he* had *frequently followed Opinions* contrary *to* worldly Intereſt, *that I grant, might have been an* Argument *that though his* Intereſt *was indeed* promoted *by this* Opinion, *yet that might have been no* inducement *to him, why he did embrace it. But on the contrary, in the great actions of his Life, it was the* ſerviceableneſs *of his* Opinions

to

to the Princes designs *that principally* recommended *him. It was notoriously his* Opinion *for the* divorce *from Q.* Katharine *that first brought him into the* Court, *and into the* Kings knowledge. *Nor is it denyed by our* Historian *that it was so. And in the Case of* presuming *consummation of Marriage from* bedding, *he gave contrary* Judgments *concerning the* Marriage *with Queen* Katharine, *and that with* Anne *of* Cleve; *exactly according to the* Kings inclinations, *and his own* Interests *in gratifying them. In Queen* Katharin's *Case, he allowed it for a good* presumtion, *but* not *so, in the Case of* Anne *of* Cleve. *Nay when the* Protestant Reformation *it self was against his* Interest *with the* Prince *then in Possession, he* renounced *even that, and was the only* Bishop *of* our Church *who did so. Nor did he* recant *that* recantation, *at least he gave no publick* signification *of his* recanting *it, till he was assured by Dr.* Cole, *in a* Sermon *before him at St.* Maries, *that even his* compliance *should avail him nothing for the* saving *of his* Life. *And even in that* compleater Collection *published by Bishop* Burnet, *none of the other* Bishops *or* Divines *consulted on that occasion, is so* perpetually *thorough-paced for the* Kings inclinations *as* he *was. Which* singularity *alone, not only against the* Interests, *but the* suffrages *of his* function, *in favour of* Encroachments, *sufficiently shew how far he was from being* impartial *in Questions of this nature. And it is but a poor recommendation of him as a* Friend *of our* Church, *that he made a* Conscience *of maintaining* Opinions *by which she* might *be ruined, by which she* must *be ruined, and her Enemies* obliged *in* Conscience *to* ruine *her.*

§ IX. *FAR be it from me to disparage the glory of his* Martyrdom. *His* Repentance, *how* late *soever, will* excuse *the* scandal *of his* fall. *And his* Martyrdom, *however* involuntary *at* first, *will not lose its* reward *with him who* mercifully *considers his servants* frailties, *though it may* justly *diminish his* Authority *in comparison of others who were more* forward, *and withal more* constant, *in* suffering *for the same* Cause.

It is not for the *Interest* of the *Church*, or the *Reformation*, that his *Authority* in these things should be *regarded.*

Cauſe. *Far be it from me, in the leaſt, to detract from whatever was* praiſe-worthy *in him. Our* Hiſtorian *may freely commend him for his conſtancy to his declining* friend, *and for his* diligence *in* collecting, *and* examining, *the* Teſtimonies *of* Antiquity, *upon the Points wherein he was* conſulted. *But certainly an* Hiſtorian *ought to diſtinguiſh between* particular *and* general commendations, *if he would indeed* benefit *Mankind by his* Hiſtories. *Juſt* Characters *are* not *to be denied thoſe whoſe* Examples *are otherwiſe propoſed as fit rather to be* abhorred *than* imitated, *if they have, at leaſt, ſome* few commendable *qualities* (*among many other very* bad *ones*) *deſerving* imitation. *But none are to be* commended ſimply ; *none are to have* Elogies *beſtowed on them* ; *none are to be repreſented as* Heroes, *as* Patterns, *and* Standards *of the* Age *they lived in*, *and as* Copies *for* Poſterity, *but they whoſe* Virtues *were greater than their* Vices, *whoſe* Virtues *were particularly ſignal and remarkable in the* Hiſtory *of their* Times, *and greatly contributive to the* good events *of it, and therefore fit to be* imitated *by generous* Poſterity, *when the like* Exigencies *ſhall return, and the* like Caſes *are again to be tranſacted. Particularly, in a* Hiſtory *of the* Reformation *of* Religion, *none ought to be* commended *but ſuch as had a great* zeal *for* Religion, *and whoſe* abilities *and* prudence *greatly contributed to the Promotion of it. Nay even they who did indeed* promote Religion, *will not* all *of them deſerve* commendation *for it. St.* Paul *obſerved thoſe, in his own times, who* preached Chriſt out of contention, *and was* glad *of the* event, *that* Chriſt *was preached, even on* thoſe terms, *as being* (*no doubt*) *ſenſible of the* good ſucceſs *it had. But he does not therefore think it becoming him to beſtow* Encomiums *on thoſe who were indeed acceſſary to* good events, *but with very* ill intentions. *Such there were alſo many in thoſe* Reigns, *under which the* Reformation *was tranſacted, who very much* promoted *the* Reformation, *but with no good* deſigns *on* Religion, *or* Reformation. *I need not inſtance*

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in the King *himself who* begun *it. Next the King himself, none had a more* active *part in the* Reformation *than* Cromwell, *whom notwithstanding, the Bishop observes to have declared himself of the* Roman Communion *at his* Execution. *The like also was the Case of the Duke of* Northumberland. *He had also pretended a great* zeal *for the* Reformation *in setting up the Lady* Jane Grey. *Yet, at his* death, *he also declared that he had* always *been in* his heart *a* Romanist. *Had it therefore been fit to set up these Persons as* Heroes *and* Patterns *fit for* imitation? *Our* Historian *himself did not think fit to do so.* Their *Case was not indeed the* same *with that of the* Archbishop. *Nor do I produce them as such. All I design in mentioning them, is only to shew that his having* actually *promoted the* Reformation, *is not alone sufficient to make him* praise-worthy *for* promoting *it. This will therefore put us further upon examining whether the* part *acted by* Cranmer *was really* contributive *to a* Reformation. *Had* Reformation *been nothing else but a* Negative, *a* removal *of* Papal Tyranny, *that (to be sure) was sufficiently* ruined *by those Principles. But* Reformation *is a* mean *between* Anarchy *on one side, as well as* Tyranny *on the other*; *and is therefore equally* ruined *by* either *of the* Extreams. *For if we consider that it is the* Church *which was to be* reformed, *and that the* Church *as a* Church, *is a* Society; *it can be no* Reformation *which reduces it to* either *of the* Extreams. *But of the* two, *that will less deserve the* name, *which perfectly* destroys *the* Government *of the* Church, *and thereby* dissolves *the* Society, *that was the* thing *to be* reformed. *And these are the plain* consequences *from those* Principles *by which Archbishop* Cranmer *acted. If they* freed *the* Church *from the* Tyranny *then in being, they naturally introduced a* Tyranny *of more* pernicious consequence, *than that which had been* ejected *by them*; *a* Tyranny *of* another Body, *of* Interests *frequently* inconsistent *with* hers: *and withal deprived her of all* security *from what* further Invasions *soever the* Lay Magistrate *should be pleased to make*

Part. I. B. III. p. 284.

Part. II. B. II. p. 243.

upon her. Indeed they deprived her of all possible security for her very being. And though these Principles might make those who were acted by them do her kindnesses, whilst her disorders lay in excess; yet, when that Reformation which was advanced by them had reduced her to a just mediocrity, whatever should be attempted further would be Injury, not Reformation. Which ought by all means to make Prudent, and well-meaning Historians wary, (how much soever they might like the things) of recommending the Example to Posterity. To do so, is to encourage Enemies for the future, and to commend them for being so, when they shall be tempted to think themselves therein to follow the Examples of celebrated Heroes. Archbishop Cranmer particularly, could, upon neither account, deserve such Elogies. His Principles were not naturally such as were likely to benefit the Church, but to ruine her. Nor were those Principles consistent with any probability of good meaning to her, when he shewed himself so partial to the Magistrate against her, not only against the majority of his own Order, but against the Principles of his own Education, upon so very small appearances on that side, and against so great evidence to the contrary. As little reason there is for that advantageous Character our Historian gives his other Hero, the Duke of Somerset. He it was that advanced the Sacriledge of the former Reign against Monasteries, and now in the time of his own Protectorship, against the Universities themselves. Our Historian himself has published a very angry Letter of his to Bishop Ridley, for opposing his designed beginnings of it in the suppression of Clare-Hall. If it must be represented as Heroical to betray the Rights, and rob the Revenues of the Church; if it be represented so by Ecclesiasticks themselves; how naturally must this tend to the encouraging the like Practices for the future? How little does this become the Office of an Ecclesiastical Historian, who ought to make the true Interests of the Church the Standard of his censures, as they are indeed in themselves the greatest that

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can be, by all Rules *of juſt Eſtimation? I heartily and ſeriouſly recommend theſe things to the* ſecond thoughts *of that able* Author, *not only as to his* Panegyricks *upon the* Enemies *of the* Church, *but as to his frequent* Satyrs *on his own* Order. *His meaning in both I will not take upon me to* cenſure. *But let himſelf judge of the obvious* tendency *of them in this unhappy* Irreligious Age *we live in, wherein men greedily lay hold on ſuch* Authorities *as* his, *for countenancing their wicked deſigns againſt the* Church, *and* Religion *in* general. *For my part, I cannot ſee how the Duke of* Somerſet *could reconcile any* true zeal *for* Religion, *and the* Church, *with his* Sacrilegious *deſigns againſt that very* fame Church, *whoſe Communion was owned by him.*

His *Opinions* in this *matter* no more agreeable to the *ſenſe* of our preſent *Adverſaries*, than to *ours*.

§ X. *BUT to return to Archbiſhop* Cranmer; *I know none of even our preſent conſidering Adverſaries, who either proceed on* theſe *Principles as* true, *or who have attempted to reconcile them with the* Intereſts *of the* Church, *or the* Reformation. *Even the* Hiſtorian *himſelf cenſures them as* ſingular Opinions *in the* Archbiſhop. *And ſo they were even in the ſenſe of the* Biſhops *of* thoſe times, *as appears from that* number *of them who were concerned in that* Conſult. Few *of them were for thoſe* Opinions, *ſo much for the* Intereſt *of the* Secular Prince, *and none ſo* thoroughly *as* he. *Nor wou'd the* Court *venture to truſt the* tryal *of theſe* Opinions *to a* Synod *of the* Biſhops. *This made* Bonner's Commiſſion (*who perhaps gave the* firſt *Precedent of ſuch a* Commiſſion) *have ſo few Followers that took out the* like Commiſſions, *even in thoſe unhappy times. Afterwards in the* latter end *of the Reign of King* Henry *the* VIII. *and the* beginning *of King* Edward *the* VI. *ſome more of the* Court Faction *imitated him. There was one, of a Biſhop of* Worceſter *in the* beginning *of King* Edward *s time, tranſcribed for our* Hiſtorians *uſe, though not publiſhed by him, in the ſame Stile with that of the* Archbiſhop. *But this might have been a* conſequence *of that Thought of the* young King *himſelf expreſſed in his ſecond Paper, for not* truſting

the

the Biſhops *with the entire exerciſe of the* Eccleſiaſtical Power, *and perhaps, of an* Order *of* Council *purſuant to it*; *or, at the utmoſt, of the* Act *made in the* laſt year *of King* Henry *the* VIII. *which we ſhall mention hereafter. But their little* conſtancy *in* obliging *all the Biſhops to do ſo, is a great* Preſumption *of the* difficult reception *theſe Sacrilegious* Principles *met with, even in* thoſe Ages. *But whatever reception they wet with* then, *it is very manifeſt that they are* ſingular now. *Our* Hiſtorian *himſelf obſerves that* Bonner, *after his taking out this Commiſſion, might well be* called one of the Kings Biſhops. *Intimating that he did not deſerve the name of* Chriſt's. *And our Adverſaries, who have* yet *appeared againſt* us *in this Queſtion, have generally owned even our* deprived Fathers *themſelves as* valid Biſhops *as ever, both as to the Epiſcopal* Character, *and as to all* exerciſes *of* Spiritual Power *relating to the* Catholick Church, *notwithſtanding the pretended* Deprivation. *They only deny that they have now any* Right *to their particular* diſtricts *and* Dioceſes, *which being vacated by the* Lay Power *may therefore excuſe their* Succeſſors *from* Intruſion *and* Uſurpation. *But the* Hypotheſis *of* Archbiſhop Cranmer *would better have accounted for all that their* Cauſe *obliges them to defend. For if the* Apoſtolical *Predeceſſors could derive a* Power *to* our Biſhops *undeprivable by the* Civil Magiſtrate, *they might conſequently derive to them a* Right *to* diſtricts *confined to the* exerciſe *of that* Spiritual Power, *as* independent *on him as the* Spiritual Power *it ſelf. And if they* could, *they* did *ſo*; *it being notorious in thoſe* Primitive Times *that* they *had no* more *conſent of the* Civil Magiſtrate *for the* one, *than for the* other, *and yet* exerciſed both, *and were ſeconded by* God *in their Acts of* Diſcipline, *which* ſuppoſed *their* claim *to* both *of them. But, by Archbiſhop* Cranmer's *Principles, the* Apoſtles *themſelves could lay no* claim *to* either *of them without the* conſent *of the Civil* Magiſtrate, *and therefore could* derive *no ſuch* Rights *to* Succeſſors *claiming from* them,

P. I. B. III. p. 267.

that

that could be undeprivable *by the* Civil Magiſtrate. *Had this Doctrine been* true, Biſhops *deprived by a* lawful Magiſtrate *cou'd have claim'd no longer. But even our Adverſaries themſelves ſeem ſenſible* now, *not only how contrary thoſe* Paradoxes *were to the Senſe of truly* Catholick Antiquity, *but alſo how little agreeable they are to the* prevailing Opinion *of them, who cordially eſpouſe the Cauſe of* Religion *in* general, *and of the* Church *of* England *in* particular, *even in this preſent degenerous Age. This being ſo, our Adverſaries themſelves cannot be diſpleaſed at* us *for diſowning a* Supremacy *explained* by, *and grounded* on, *ſuch Doctrines as even themſelves dare not undertake to defend.*

§ XII. *AND ſuch indeed was the* Supremacy *as it was firſt introduced by King* Henry *the* VIII. *and as it was continued under King* Edward *the* VI. *Then as much was challenged as could be allowed by even thoſe licentious* Principles *of Archbiſhop* Cranmer. *I mean, ſo much was challenged by the* Kings *themſelves, and by the* Laity *who made a* majority *in the* Legiſlative Power *by the Conſtitution. So much was plainly the* deſign *of King* Henry *to whom* Cranmer *ſo effectually recommended himſelf by theſe* Opinions, *as our* Hiſtorian *obſerves. And the Senſe of the* Legiſlative Power *cannot be better proved than from the Expreſſions of the* Laws *themſelves. The firſt* Law *is more* modeſt, *and though it do own the* King *for* Head *of the* Body Politick, *conſiſting of* Spiritualty *and* Temporalty, *yet withal it clearly diſtinguiſhes their two* Juriſdictions, *and does not make them interfere any further than as that perhaps might be meant by making the* King *the common* Head *of* both *of them. For ſo the words of the Act run*: The body Spiritual whereof having power, when any cauſe of the Law Divine happened to come in queſtion, or of Spiritual learning, that it was declared, interpreted, and ſhewed by that part of the ſaid Body Politick, called the Spiritualty, now uſually called the Engliſh Church, which always

The *Supremacy*, and Title of Head, when firſt aſſumed by *Henry* the *VIII. conſiſtent* with our *Doctrine*.

24 Hen. VIII. 12.

always hath been reputed, and alſo found of that ſort, that both for knowledge, integrity, and ſufficiency of number, it hath been always thought, and is alſo at this hour, ſufficient and meet of it ſelf, without the intermeddling of any exterior Perſon or Perſons, to declare and determine all ſuch doubts, and to adminiſter all ſuch Offices and Duties, as to their rooms Spiritual doth appertain, *&c.* And the Laws Temporal, for tryal of Property of Lands and Goods, and for the conſervation of the People of this Realm in Unity and Peace, without rapin or ſpoil, was, and yet is adminiſtred, adjudged and executed, by ſundry Judges and Miniſters of the other part of the ſaid Body Politick, called the Temporalty: And both their Authorities and Juriſdictions do conjoyn together in the due adminiſtration of Juſtice, the one to help the other. *Accordingly it is afterwards enacted that all Cauſes concerning our Dominions be* finally and difinitively adjudged and determined within the Kings Juriſdiction and Authority, and not elſewhere, in ſuch Courts Spiritual and Temporal of the ſame, as the natures, conditions, and equalities of the Caſes and matters aforeſaid in contention, or hereafter happening in contention, ſhall require. *Theſe things plainly ſhew the State wherein that aſſuming Prince* found *things, when he* began *his* Innovations, *and which all ought to* endeavour *to* reſtore, *who deſire that the antient bounds of* Magna Charta *ſhould be preſerved inviolable. For what* ſecurity *can it give* us, *in our* preſent *Settlements, if former violations of it in* others, *by not being repealed, muſt be allowed to paſs into* Precedents *for* new *and* future *violences, when any are poſſeſſed of* force *ſufficient to attempt them. But this will directly overthrow the* Legality *of what* has *been done for* depriving *our Holy* Fathers *by a* Lay Authority, *even ſuppoſing it* Legal. *It is indeed probable that when this* Act *was made, the* King *himſelf* deſigned *no ſuch exerciſe of purely* Spiritual *Authority by* Lay Perſons. *Biſhop* Burnet *himſelf obſerves, that in* Cromwell's *firſt* Commiſſion, *as no*

ſuch

ſuch Precedency *was granted him, as was afterwards, next the* Royal Family; *ſo neither was any* Authority *at all granted him over the* Biſhops. *And this* Act *now mentioned, ſhews plainly that the Caſe* was *ſo. All* Appeals *here of* private Perſons *in* Spiritual Cauſes, *are ultimately to the* Archbiſhops, *ſaving the* Prerogative of the Archbiſhop and See of *Canterbury. And in Cauſes wherein the* King *ſhould be concerned, the ultimate* Appeal *is to the* Spiritual Prelates, and other Abbots and Priors of the upper Houſe, aſſembled and convocated by the Kings Writ in the Convocation being or next enſuing, within the Province or Provinces, where the ſame matter of contention is, or ſhall be begun. *Thus far therefore it is very plain that neither the Title of* Head *nor the* Supremacy, *could oblige us to own any* Lay Authority *whatſoever to be ſufficient for a* Spiritual Deprivation, *even interpreted according to the* Senſe *of the* Legiſlators *themſelves. So all the* Right *that the* King *as a common* Head *could pretend to over the* Clergy, *in Cauſes purely* Spiritual, *was not a* Right *to give* them *any* Power *which they were not ſuppoſed to have* Antecedently *to any exerciſe of the Kings* Authority *over them, but a* Right *to* oblige *them to make a good* Uſe *of that* Power *which they had already received from* God. *But on this Suppoſition, as* he *can give them no* new Power *in theſe matters, ſo neither can he* take *that* Power *from them which he* never *gave them. Which will alone be ſufficient to ruine the validity of* Lay Deprivations.

§ XII. *HOWEVER Archbiſhop* Cranmer's *Opinion being ſo grateful to the* King *and the* Laity, *who made the* majority *in the* Legiſlative Power, *did accordingly prevail. But being withal as* ſingular *among the* Clergy, *who were notoriouſly the only* competent Judges *of* Spiritual Rights, *it prevailed in ſuch a way as one would expect an* Opinion *labouring under ſuch a* diſadvantage *of* true Authority *would do, that it was urged to the height when either* elation *of* ſucceſs, *or an* exigence *of affairs, urged them to ſuch odious* extre-

When the *King* gave the encroaching *Commiſſion* to *Cromwell*, it was not *yet* agreeable to the true Senſe of the *Legiſlators*.

extremities; *otherwiſe, the* practiſe *of it was intermitted, when cooler* thoughts *took place, as having great* preſumptions *againſt it, (that it was unwarrantable,) and thoſe* good *ones even in the* Opinion *of the* Governours *themſelves, who having* now *intirely* ſubdued *the* Clergy, *were no longer under any other reſtraint than that which was from their own* Conſciences. *Accordingly after the* ſurrendry *of the* Clergy, *when now all his* violences *had* ſucceſs *according to his own mind, the* King *gave* Cromwell *a more* ample Commiſſion *over the* Biſhops *themſelves, and with Power of* Spiritual Coercion *anſwerable to the utmoſt rigor of theſe looſe* Opinions *now mentioned. And* he *was a* perſon *every way fitted for it. As he was an intimate* Friend *of Archbiſhop* Cranmer's, *ſo he was alſo a favourer of that ſingular* Opinion *which was ſo much for the* intereſt *of his* Commiſſion. *Our* Hiſtorian *himſelf takes notice of it as one of the things objected to him at his* Attainder, *that he had ſaid that,* it was as lawful for every Chriſtian man to be the Miniſter of that Sacrament [*of the Euchariſt*] as a Prieſt. *This clearly ſhews that* Opinion *to have been* odious, *even then, in the Conſciences of the* Attaindors *themſelves, and therefore that their other* Acts *grounded on that and ſuch like* Opinions *were not* bonâ fide, *upon true conviction of* Conſcience. *Otherwiſe they could not have had the* confidence *to charge the* belief *of ſuch* Opinions *as a* Crime *on* him, *if they had in earneſt* believed *them* themſelves. *The* odiouſneſs *alſo of ſuch a* Power *as was* exerciſed *by* Cromwell *appeared alſo in this, that after* him *there was no* Succeſſor *ſubſtituted in his place with ſuch a* Commiſſion *as* his *was, nor any* general Vicegerent *appointed for executing the* Kings Supremacy *in* Spirituals, *diſtinct from the* Biſhops *and* Archbiſhops. *However whilſt his* Commiſſion *held, he acted to the* height *of what his Friend* Cranmer's *Opinion would warrant him. He gave out* general Injunctions *for all* Spiritual Juriſdictions, *as* Biſhops *had done formerly for their own* Dioceſes. *He took upon him to call* Biſhops *to an account for their adminiſtration in*

Vol. I. B. III. p. 278.

in Spirituals. *Our* Hiſtorian *himſelf has inſerted ſome of his Letters to this purpoſe ſufficiently Imperious. But however* odious *ſuch* general Commiſſions *were for things beyond the Power of the* Laity, *yet the* Lay Law-makers *could not be* reſtrained *from* encroachments *as they thought they had occaſion. But this they did by the* degrees *now intimated.*

§ XIII. *In the next year which was the XXVth of that King's Reign, there is an* Appeal *allowed from the* Archbiſhops *themſelves to* the Kings Majeſty in the Kings Court of Chancery. *And upon ſuch Appeal a* Commiſſion *was to be* directed under the Great Seal to ſuch Perſons as *ſhould* be named by the Kings Highneſs, his Heirs, or Succeſſors, *which Perſons ſo empowered were thereby Authorized to give* definitive *Sentences, from which no further* Appeal *was allowed. This was the very* Power *which had formerly been allowed to the* Pope. *Accordingly it is enacted that no* Archbiſhop nor Biſhop of this Realm *ſhould* intermeddle with any ſuch Appeals, otherwiſe, or in any other manner, than they might have done before the making of this Act. *So that as the* Power *of the* Pope *was, by the* former Act, *tranſlated to the* upper Houſe *of our own* Convocation, *in matters wherein the* King *himſelf ſhould be concerned; ſo here the ſame* Power *is again tranſlated from the* Convocation *to the* King himſelf, *and the Power of the* Convocation *is tranſacted by a* ſmaller number, *and thoſe of the* Kings nomination. *This did put the* deciſion *of ſuch Caſes as much in the* Kings Power *as himſelf could deſire, though the* perſons *to be* nominated *by him had been* Eccleſiaſticks. *Yet even that* confinement *is not laid upon him, that they ſhould* neceſſarily *be ſo.* He *was therefore at perfect* liberty *not to* exerciſe *any part of this* Power *by* Lay-men, *any further than as the* Eccleſiaſticks *acting herein by his* Commiſſion, *might be ſuppoſed to derive their* Power *from* him *who was himſelf a* Lay-man. *Yet even that was capable of a better* Interpretation, *that the* Commiſſion *did not* give *them the* Power *by which they acted, but only* Authorized *them to* exert *the*

The *Appeal* allowed from the *Archbiſhops* to the *Kings Commiſſioners in Chancery*, no Argument of any *Spiritual Power* derived from the *King*.

25 H. VIII. 19.

 Power

Power *they had* before, *with* impunity *from the* Secular Laws, *and with the* ſecular ſupport. *This was only* dare Judices, *as the* Prætor *did to particular Cauſes, out of thoſe who were by the* Laws *qualified and empowered to be* Judges *in* general. *Thus* Conſtantine *the* Great *did* dare Judices *to the* Donatiſts, Melchiades *and other* Gallicane *Biſhops, who otherwiſe was notwithſtanding very wary of* encroaching *on the* Biſhops Rights *in* general *to judge concerning* Spiritual Cauſes. *What therefore was done hitherto, was fairly reconcilable to our Doctrine, without aſſerting any* Right *as to* Spirituals *derived from the* King *to the* Biſhops, *which as it was* given *by him, might conſequently be* deprivable *by him alſo. What the* King *himſelf did in giving ſuch a* Commiſſion to Cromwell, *was a* Perſonal *Act not granted him by any expreſs* Law *during the time that* Cromwell *poſſeſſed it, and therefore cannot be any juſt ground for* interpreting *the* Supremacy, *and the* Oath *concerning it, with relation to* Poſterity, *but muſt have been* extinguiſhed *with his* Perſon, *though he had been more* conſtant *to it than it appears he* was. *Much more conſidering that even he himſelf did not think it fit to* continue *th'* Office *after* Cromwell. *The ſame may alſo be obſerved concerning the* Biſhops, *who took out* Commiſſions *for their* Spiritual *Epiſcopal Power. There being hitherto no* Law *obliging them to do ſo, muſt make their Acts alſo* Perſonal. *For this is ſufficient to ſhew they were not* obliged *to it by any Senſe of the* Legiſlators, *which cannot be known but by their* Laws. *There was not ſo much as* Proclamation *for it, that might reduce it to that* Law *which was made in the ſame Reign, for equalling the* Kings Proclamations *with* Acts *of* Parliament, *though that* Law *had continued ſtill in* force, *as it is certain it has not. Leſs than one of theſe will not ſuffice for proving* us *concerned in what was* then *done, as an Argument of that* Senſe *of the* Legiſlators, *which was to oblige all* Poſterity *till the* Law *was repealed by the ſame* Authority *that made it.*

The *Supremacy* explained 26 *H.* VIII. 1. not *contrary* to our *Doctrine* in this *Cauſe*.

§ XIV. *THE next Act in the* XXVIIth *year of the ſame*

ſame King *gives him as* Head *of the* Church *of* England full Power and Authority from time to time to viſit, repreſs, redreſs, reform, order, correct, reſtrain, and amend all ſuch errors, hereſies, abuſes, offences, contempts, and enormities whatſoever they be, which by any manner **Spiritual Authority** or **Juriſdiction**, ought, or may lawfully be reformed, repreſſed, ordered, redreſſed, corrected, reſtrained or amended, *&c. Here are* Spiritual Cauſes, Errors *and* Hereſies *given as* Inſtances, *wherein the* King *might concern himſelf. And* Spiritual Power *in all the kinds of it, is ſuppoſed in theſe* Corrections *to be performed by the* King, *when* he *is allowed to* correct all *ſorts of* abuſes *that might by* any manner Spiritual Authority or Juriſdiction be corrected. *No part of the* Epiſcopal Power *is here* excepted, *not even that of* Excommunication. *But then it is not even yet determined, whether this* Spiritual Authority *and* Juriſdiction *be* ſuppoſed *in them who are to be, by the* King, *obliged to* exerciſe *it*; *or whether alſo the* Authority *was to be* derived *from him too. If the* Authority *was not* ſuppoſed derived *from* him, *it will not follow that it was* deprivable *by* him. *And if it were* not; *then all the* obligation *the* King *could lay upon the* Biſhops, *to do as he would have them, could not be in* Conſcience, *but in* Intereſt, *ſo far only as they thought the* inconveniences *they might incur by his diſpleaſure* greater *than thoſe the* Church *might ſuffer by that* impoſition *on their* liberty. *This therefore might be* born *with by the* Biſhops, *ſo far as* they *might* judge *it reconcilable with the* Churches intereſts. *And that indeed no more* could *be* intended, *appears from a Paper publiſhed by Biſhop* Burnet *from a* Cottonian *MS. For there is a full acknowledgment of a diſtinct* Authority *in the* Biſhops, *from the* Poteſtas gladii *lodged in the* King. *Yet it is ſigned by* Cromwell, *and that* after *his ſecond, and more* ample Commiſſion; *becauſe he ſigns* before *the* Archbiſhops. *And long after* this Act, *between the years* 1537. *and* 1538. *as the Biſhop himſelf conjectures*

Addend. to the *Firſt Vol.* Num. V.

jectures. Thus far therefore Cromwell *himself was not very* positive *in that* Opinion *(no nor* Cranmer *who here ſubſcribes among the reſt) which makes the* Spiritual Authority *derived from the* King. *So far it was then from being the* Authorized Senſe *of the* Legiſlators. *But I cannot, by any means, think it* commendable *in the* Prince *to impoſe, even* ſo far, *though the* Right *of* external force *be indeed* his. *Should the* Church *follow his* example, *ſhe has as good a* Right *to* impoſe *on his Actings in* Temporal Cauſes *by her* Spiritual Cenſures, *as he can pretend to for his interpoſing in her* Spiritual Affairs *by his* Temporal Force. *For* he *cannot pretend to a more* immediate Title *from* God, *for his* Temporal Force, *than* ſhe *can for her* Right *of inflicting* Spiritual Cenſures. *And if it ſhould be thought* reaſonable *for* either *of them to make uſe of that* Right *of* coercion, *which juſtly* belongs *to them both, for* impoſing *on the* other *in matters* not belonging *to them; it would certainly be* more reaſonable *for the* Spiritual Power *to* impoſe *on the* Temporal *in order to* Spirituals, *than for the* Temporal Power *to* impoſe *upon the* Spiritual *in order to* Temporals. *For my part, I would rather that* both *would keep within their* own bounds, *that as we* muſt *render* to God the things that are Gods, *ſo we* may *alſo render* to Cæſar the things that are Cæſars. *But whether the* Laity *did, in this Act, aſſume* more *than what was really their due, I am not ſo much concerned at preſent. It is ſufficient that what was* aſſumed *by them was not* ſufficient, *either* directly, *or by any neceſſary* conſequence, *to put it in their* power *to* deprive *our* Biſhops *of their* Spiritual Authority.

The *Supremacy* as explained in 37 *H.* VIII. 17. full to our *Adverſaries* purpoſe, and the Senſe of Archbiſhop *Cranmer.*

§ XV. *HOWEVER though* hitherto *they did* not, *yet at* length *our* Legiſlators *of thoſe times* did *advance the* Supremacy *as high as Archbiſhop* Cranmer's *Principles would warrant them. But it was not before the* later end *of that Sacrilegious* Reign. *In the ſeven and thirtieth year of it, there was a ſcruple ſtarted concerning the* Lay Doctors *of the* Civil Law *(by whom the Diſcipline of the* Eccleſiaſtical Courts

Courts *was managed after the death of* Cromwell) *on account of their being* Lay-men, *whether the* Spiritual Cenſures *iſſued out by* ſuch, *could have any effect with regard to* Conſcience. *This ſcruple being raiſed on that account of their being* Lay-men, *was conceived by the* Parliament, *by manifeſt* conſequence, *to affect the* Kings *Power alſo for ſuch* Cenſures, *becauſe he alſo was a* Lay-man. *This could not have been, if* they *had not* intended *to aſſert ſuch a* Right *in the* King, *though a* Lay-man, *even for* Spiritual Cenſures. *For had they intended no more than that the* King, *by his* Lay Power, *ſhould only oblige Spiritual Perſons to* do *their* duty *in* exerting *that* Spiritual Power *which they had received, not from* him, *but from* God *himſelf*; *in this caſe, the* conſequence *objected againſt the* Supremacy *had been out of doors*; *and that which had ſignified* nothing, *would have needed no* remedy. *When therefore to* prevent *this* conſequence, *they aſſert the* Supremacy *in ſuch a* Senſe *as may* qualifie *the* King, *though a* Lay-man, *to a* Right *to inflict ſuch* Cenſures; *they muſt conſequently mean it ſo as to aſſert this* Right *to* him *as a* Supream Magiſtrate, *though* not *inveſted with any* Power *from* God *diſtinct from that of the* Sword. *Accordingly they tell us, that his* moſt royal Majeſty is, and hath always juſtly been, **by the Word of God**, Supream Head in the Earth of the Church of *England*, and hath full Power and Authority to correct, puniſh, and repreſs all **manner** of Hereſies, Errors, Vices, Sins, Abuſes, Idolatries, Hypocriſies, and Superſtitions, ſprung and growing within the ſame, and to exerciſe all other manner of Juriſdictions, commonly called **Eccleſiaſtical Juriſdiction**. *They tell us withal the* occaſion *of this Objection, That, though the* Decrees *and* Conſtitutions *by which the* exerciſe *of* Spiritual Juriſdiction *had been* confined *to* Holy Orders, *had been utterly* aboliſhed *by the Act of the five and twentieth year of this ſame* Reign, yet becauſe the contrary is not uſed, nor put in practiſe by the Archbiſhops, Biſhops, Archdeacons, and other Eccleſiaſtical Perſons, who have

25 *H.* VIII. *c.* 19.

have **no manner** of Jurisdiction Ecclesiastical, but **by, under**, and **from** your Royal Majesty, *it addeth*, or at least may give occasion to some evil disposed Persons, to think, and little to regard the Proceedings and Censures Ecclesiastical made by your Highness and your Vicegegerent, Officials, Commissaries, Judges, and Visitors, being also Lay and married men, to be of little or none effect, or force, —— *And*, Forasmuch as your Majesty is the only and undoubted Supream Head of the Church of *England*, and also of *Ireland*, to whom by Holy Scripture all Authority and Power is **wholly** given to hear and determine all **manner** Causes Ecclesiastical, and to correct all Vice and Sin whatsoever, and to all such Persons as your Majesty shall appoint thereunto: *Therefore it is enacted, that* Doctors of the Civil Law *though* Lay *and* married, *being put in office by any one having Authority under the* King, *his Heirs and Successors*, may lawfully execute all manner of Jurisdiction, commonly called Ecclesiastical Jurisdiction, and all Censures and Coercions appertaining, or in any wise belonging unto the same. *Here the* Bishops *are* denied *to have any* manner *of* Jurisdiction Ecclesiastical *but by*, under, *and* from *the* Prince. *Here all* Authority *and* Power *is said to be* **wholly** *given* him, *to* hear *and* determine *all* manner Causes Ecclesiastical. *Here* he *is said*, by the Word of God, *to have* full Power *and* Authority *to* exercise all manner of Jurisdictions, commonly called Ecclesiastical Jurisdiction. *And all this is asserted as* their Sense *of the* Title *of* Head, *and of the* Prerogative *of* Supremacy. *If so, the* Bishops *can have no* Power *but what is* derived *from the* Lay Magistrate (*for all this is challenged to him as he is a* Lay-man) *and therefore none but what must be supposed* deprivable *by* him. *Then* after *their* deprivation, *their* Character *is gone, and all their* Power *as* Bishops *of the* Catholick Church *is gone, and all they* do *after the* Lay Magistrate *has* deprived *them, will be perfect* Nullities, *till they be again confirmed by* Power derived

rived *from the* Civil Magiſtrates. *This Hypotheſis ſuppoſing the* Legality *of the* Civil Power, *will indeed ſerve our Adverſaries deſigns to the full. But it is as notoriouſly* falſe, *as it is notoriouſly* true *that there was, even in the* Apoſtles *time, a* Diſcipline exerciſed independent *on the* Civil Magiſtrate. *And our Adverſaries dare not ſtand by it.*

§ XVI. *THIS extravagant Notion of the* Supremacy *continued through the next Reign of King* Edward *the VI. Not only as that ſame* Act *continued ſtill* unrepealed, *but as the ſame* Practice *which ſuppoſed it*, continued, *and as no better* Explication *of the* Supremacy *was ſubſtituted in ſtead of it. Now it was, that Archbiſhop* Cranmer *took out his new* Commiſſion *from the* King *for his* Archbiſhoprick *in the* ſtyle *formerly uſed by Biſhop* Bonner, *perfectly adapted to his own* ſingular Opinion. *Now it was, that the Biſhop of* Worceſter *took out the like* Commiſſion *in the very* beginning *of this* Reign. *Though Biſhop* Burnet *obſerves that no ſuch* form *was impoſed on Biſhop* Ridley, *nor on Biſhop* Thirlby, *who were* conſecrated *in the year* 1550. *In that ſame year it was, that the young* King *himſelf expreſſes his* own Opinion *in theſe words:* But as for Diſcipline, I would wiſh no Authority given generally to all Biſhops, but that Commiſſion be given to thoſe that be of the beſt ſort of them to exerciſe it in their Dioceſes. *By which we may eaſily underſtand that Biſhop* Ridley *who did put out* Injunctions, *had ſingular* favour *ſhewn him in that he was* permitted *to do ſo. So that no* general Inferences *are to be gathered from his* Caſe. *Yet even* he, *and* ſuch *as* he, *were to Act by* Commiſſion, *which is perfectly conſiſtent with the* Hypotheſis *that was ſo deſtructive of the* Churches Authority. *The only difference between* him *and* others *was, that* he *was to hold his* Authority *for* Life, *they only during the* Princes pleaſure. *But, for proving the* ſenſe *of the* Law-makers *of thoſe times, I rather chuſe to inſiſt on the expreſſions of the* Laws *themſelves. And thoſe are very home to this purpoſe. In the Statute* 1 Edw. VI. c. 2. *They ſay that* all

The ſame Notion of the *Supremacy* continued alſo under King Edw. the VI.

Biſhop *Burnet* Vol. II. Col. B. II. The Kings Rem. Pap. 2.

Authority of Juriſdiction Spiritual and Temporal is derived and deducted from the Kings Majeſty as Supreame Head of theſe Churches and Realms of *England* and *Ireland*. *They therefore enact that all* Proceſſes Eccleſiaſtical *ſhould run in the* King's name, *only* that the *Teſte ſhould* be in the name of the Archbiſhop, Biſhop, or other having Eccleſiaſtical Juriſdiction, who hath the Commiſſion and grant of the Authority Eccleſiaſtical immediately from the Kings Highneſs. *They add withal, that the* Seal *of* Juriſdiction *was to have the* Kings Arms *on it, as an Acknowledgment from whom the Juriſdiction was derived. There are indeed ſome* exceptions *in that ſame* Act *wherein the* Archbiſhop *of* Canterbury, *and the other* Biſhops *are allowed to uſe their own* Seals. *But conſidering that the* reaſons *given for their uſing the* King's Arms *are* general, *ſuch as extend to all* Archbiſhops, *and all* Spiritual Juriſdictions *whatſoever, thoſe* exceptions *cannot argue any* independence *of the* Spiritual Juriſdiction, *even in the* Caſes *ſo* excepted. *The* Archbiſhop *had a* liberty *of uſing his* own Seal *in* Caſes *of* ſmaller conſequence, *which were not likely to be* exempted *from the* Secular Power, *when the* greater *were not*; *and in* Diſpenſations *to be granted to the* King *himſelf, where though the* Power *had been in general originally* derived *from the* King, *yet it had not been* decent *in the* Diſpenſation *it ſelf to* expreſs *its being ſo. For that had been to the ſame purpoſe as if the* King, *by his* own Authority, *had* diſpenſed *with* himſelf. *Yet the* Power *might have been* derived *from him, as that of our ordinary* Judges *is, when they give* Sentence *againſt the* King *in favour of a* Subject, *by virtue of their* Commiſſion *from the* Crown *empowering them to do ſo. And the* Caſes *wherein* other Biſhops *are there allowed to* uſe *their* own Seals, *are only ſuch wherein their own* inferiors *are concerned, who* derive *their* Power *from* them, *which is very conſiſtent with their* own *deriving their* Power *from the* King. *Eſpecially when this liberty is* granted *them by that very* Power *which pretended to be the* Original *of all*

their

their Episcopal Spiritual Power. *I mention not now the several* Acts *sufficiently frequent in this* Reign, *requiring* Clergymen *to* admit *to* Communion, *and* empowering *them to punish by* Spiritual Censures, *though these do also proceed on the same* supposal (*when they are* not *in* execution *of* Canons *made before by* Ecclesiastical Authority) *that even such* Spiritual Authority *is* originally *vested in the* Lay Magistrate. *For my design at present is not to enquire how far the* Lay Power, *even the* Legislative Power, *has* encroached *on the* Rights *of the* Clergy actually; *but how far they have* declared *their* encroachments *included in the* Sense *of the* Supremacy *for maintenance of which the* Oath *was made, and which* must *therefore be* maintained *by them, who would then take the* Oath *veraciously, according to the true* meaning *of the* Legislators. *But what I have insisted on from this* Act, *shews the* Legislators sense *of the* Supremacy *it self.*

§ XVII. *YET though this* impious *notion of the* Supremacy *was* continued *in the* Reign *of this excellent Prince, who did not live to that maturity of his* own Judgment *that might otherwise have enabled him to have* seen *the* falshood, *and ill* tendency *of these ill Principles, which had been instilled into him by his* Godfather, *who was always the most* forward *promoter of them; yet they were first introduced in the Sacrilegious* Reign *of King* Henry *the* VIII. *And why should any* Posterity *have regard for such an* Age *as that was, which had themselves so* little *for all the* Acts *of their own Ancestors? Why should any who regard* Religion, *have any for them who brought in* principles *so destructive to all* Religion, *and to the very* Fundamentals *of the* Church *as it is a Society and a* Communion? *Atheists themselves who have* no *concern for the* Truth *of* Religion, *yet cannot chuse but be concerned for the* security Religion *gives them in their present* enjoyments, *by the* Opinions *of those who do in earnest* believe *it* true, *and for the restraint it lays on such not to molest them in their* possessions *of what they are* Legally *intituled to, when it is otherwise in their* Power *forcibly to* dispossess *them. That*

King *Henry* the VIIIths *Reign* by no means to be allowed for an *Age* of *Precedents.*

wicked generation broke *even this* ſecurity. *All that could have been done, had been done by their* Anceſtors *for the* ſecurity *of* Magna Charta, *and the* Rights *of the* Clergy *concerned in it, as the* firſt *and* ſacredeſt *part of it. It had been confirmed by* ſolemn *and* frequently repeated *grants of all the* Parties *who had a* Right *to* confirm *it. Not only ſo, but all the* Obligations *for obſerving it were laid on their* Poſterity *that could poſſibly be laid on them by* Anceſtors, *all the* obligations *they knew of from* Conſcience *and from* Religion, *that where no* fear *of* Man *could, there at leaſt the* fear *of* God *might, reſtrain them. Nothing was then thought more available for this purpoſe, than the* imprecation *of* curſes *on thoſe who ſhould preſume to* violate *it, ratified by the* concurrence *of thoſe who were* Authorized *by* God *to* oblige *him as the* Miniſters *of his* Religion, *and with the* Solemnities *then uſed to make the* imprecation *yet more* dreadful. *It argues very little* foreſight, *and is unworthy thoſe excellent endowments wherewith God has bleſſed our* Eccleſiaſtical Hiſtorian, *when in his* Apology *for* Sacrilege *in the* Concluſion *of his Diſcourſe concerning the* Regalia, *he would weaken the fear of theſe* Imprecations *now, on account of the* ſuperſtitiouſneſs *by which they were tranſacted. He might eaſily have foreſeen that by ſuggeſting this, he did not only weaken the* ſecurity *of his* own function *(for which it would have* become *him to have been more concerned) but the* ſecurity *of the whole* Nation, *for which he* muſt *be concerned, whether he will or no, if he will enjoy any benefit by the grant of our common* Anceſtors. *For we have no other* ſecurity *for all the* Charters *and* Cuſtomary Immunities *of this* preſent Age, *no not for the* Great Charter *it ſelf, nor conſequently for our* Liberties *and* Properties, *than what he is there ſo* prodigal *of, and ſo willing to own* unobliging. *Now what can we ſay why any who* can, *ſhould* not, *invade the* Rights *already* conſtituted, *beſides the* Right *that* Anceſtors *have for obliging their* Succeſſors, *in matters wherein themſelves had once a* Right *by the Conſtitution under which they lived? I know*

even

even this is questioned now by some who can find in their hearts to prostitute great parts to ill designs. Yet the Interest *of* Mankind *in* general *(which is an infallible* Argument *of* Right *in* Cases *of this nature) requires it* should *be so. Otherwise, all* Leagues *and* Covenants *must* expire *with the* Persons *that made them, and every* Monarchs *death must dissolve the whole* Body Politick, *and leave* subjects *in the* state *of* Nature, *and their* Successors *at* liberty, *whether they will* ratifie *the* grants *of their* Ancestors. *This must* oblige Successors *in* Justice *and* Conscience *to* perform *the* will *of the* deceased, *though it be in their* Power *to do* otherwise. *But what if this will* not *restrain them? All the remedy that has been thought of to* make *them observe it, has only been the* fear *of* inflictions *from the* Deity, *to which* imprecations *of their* Ancestors *might make them liable. And the* belief *of these things has obliged all* civilized Mankind *to* own *the* obligation *of the* Laws *of* Nature *and of* Nations, *and has indeed been the principal ingredient in the* Belief, *that has so generally prevailed in the World, that there is a* God *that* governs *the* whole World, *as well as his* peculiar people; *and that with regard to* this Life, *seeing the Belief of the* future Rewards *and* Punishments, *is proper to them who have received his* Divine Revelations; *and that therefore he will* reward *keeping of* Faith *with* temporal Prosperity, *and punish breaches of it with* temporal Calamities. *Why should they else in passing their* Faith, *appeal to that* Universal Judge *of* Mankind, *and* imprecate *on themselves* curses *from* him; *if it had not been* believed *on all sides, that* curses *so* imprecated, *were really to be* feared *from his* Justice, *to whom both* parties *had* submitted *the* Judgment *of their* Cause? *Why should the like* Oaths *be required from persons of very* false *and* impious Religions, *if it had not been* believed Universally, *that* God *was obliged to* perform *the* imprecation *made for securing* Faith *in* this World, *according to the* Opinion *of* him *that made the* imprecation, *how much soever he was otherwise* mistaken *in his* Opinion *concerning the* true Religion?

gion? *God did* actually *inflict the* imprecations *of his* own people *for* ſecuring **Faith** *with the* Gibeonites, *upon their* poſterity, *many* Ages *after in the time of* David, *though the* Peace *made with the* Gibeonites *was expreſly againſt his own* command. *So he did alſo thoſe between* Abimeleck *and the* Sichemites, *though made in the* Temple *of* Baal Berith. *Yet all this* ſecurity *was overborn by that* violent *Prince, and with the* conſent *of his* Parliaments. *If his* Reign *muſt be allowed for a* Reign *of* Precedents, *then* Magna Charta *and the* Coronation Oath, *may again be* broken *by a Prince who can get* Parliaments *to* joyn *with him in breaking them, as he did. Then the* Laity *may be* voted *out of their* Rights, *and* forced *to* ſurrender *them, by the* concurrence *of his* Clergy *with* him, *as the* Clergy *were* then *by the* concurrence *of the* Laity. *Then any* Prince *who can but go far enough from the* Religion *of his* Anceſtors, *ſhall be encouraged to overturn the whole* Conſtitution, *on pretence of the* unobligingneſs *of* grants *made with the* ſolemnities *of a* Religion *which* he *judges* falſe, *and which perhaps indeed may* be *ſo. But it was not only in affairs of* Religion *that the* Prince *I am ſpeaking of, did things* unfit *to paſs into* Precedents, *though done with the* conſent *of his* Parliaments. *The moſt* unjuſt *thing remaining in our* preſent Laws, *the way of proceeding by* Attainder, *from which no* innocence *can ſecure a Man, was* firſt *introduced in* his *time. In* his *time, the* debts *of the* Crown *were twice diſcharged by* Acts *of* Parliament *without* payment. *In* his *time, his* Proclamations *were made* equal *with* Acts *of* Parliament. *In* his *time, his* Children *by* both *marriages, that of Queen* Katherine *of* Spain, *and that with* Anne Bollen, *were declared* illegitimate, *and that by* Acts *of* Parliament, *though by the Law of* God *only* one *could be ſo. In* his *time, the Lands of the* Univerſites *and* Hoſpitals *had been given him by the* Parliament, *if* he *had been pleaſed to* accept of them. *So very* liberal *theſe* Parliaments *were of what was not out of their* own *Purſes, and ſo far from being a* ſecurity *to the* ſubject, *againſt his greateſt* exorbitances.

I meddle not with any of his *or* their perſonal *faults, becauſe I am unwilling to engage on ſo unpleaſing an Argument any farther than the exigency of my* Cauſe *obliges me to do ſo. And that does only concern me to ſhew how little* reverence *is due to them as* Legiſlators.

§ XVIII. BUT, *God be praiſed, we are now concerned with a* better *and more* tolerable Supremacy *than* that *was. The next Proteſtant Princeſs* Q. Elizabeth, *was prevailed on to lay aſide the Title of* Supream Head, *and to propoſe and admit of a better* explication *of the* Supremacy *it ſelf. And that upon account of the* averſneſs *of the* Biſhops *to it, if ſhe had* not *done ſo. So we are informed by a Letter of Dr.* Sands *to Dr.* Parker *preſerved by Biſhop* Burnet. *He alſo tells us the* Perſon, *who prevailed on her to do ſo. Mr.* Lever, *ſays he,* put ſuch a ſcruple into the Queen's Head, that ſhe would not take the Title of Supream Head. The Biſhops, as it is ſaid, will not ſwear to it as it is, but rather loſe their Livings, *The occaſion ſeems to be, that now the Succeſſion falling to a Woman, it ſeemed very* indecent *to believe* her *an* Original *of* Sacerdotal Power, *who was,* by *her* Sex, *incapacitated for* exerciſing *any* Sacerdotal Act; *to believe that a* Right *of* Excommunication *could be derived from* her, *who was on the ſame account, unqualified to* conſecrate *the* Euchariſt, *and to* give *the* Communion, *though they who had the* Right *had* given *her that* power; *that* ſhe *could be the* Head *of* Sacerdotal *Power to others, who was not capable of being a* Sacerdotal Head *at all. For the Apoſtles Reaſoning holds concerning this* Sacerdotal Headſhip, *which is the* principle *of* myſtical Unity, *that the* Man *in general is as much the* Head *of the* Woman *in general, as the* Head *of the* Man *is* Chriſt, *and the Head of* Chriſt *is* God. *Theſe things, no doubt, gave the* Papiſts *a ſubject of tragical Declamations then, as their Books ſhew they did after. Nor was the* ſcandal *only given to the* Papiſts, *but to the* Proteſtants *alſo, who returned from their* exile *with*

Queen *Elizabeth* explained the *Supremacy* in a Senſe conſiſtent with our Principles.

Biſhop *Burnet* p. 11. B. 111. Col. num. 2.

with a zeal *as great for the* Geneva *Diſcipline, after the troubles at* Frankford, *as the others could pretend to for the* Papal. *And accordingly, it was a* Proteſtant *that perſwaded* her *to lay aſide the Title of* Supream Head, *or rather not to* reſume *it after it had been laid aſide by her Siſter. However the* Supremacy *it ſelf ſhe did* reſume, *but with ſuch an* Explication *as made it thence forward tolerable. The* Supremacy *it ſelf ſhe reſumed as it had been* practiſed *formerly by her* Father *and her* Brother, *as far* as by any Spiritual or Eccleſiaſtical Power or Authority had heretofore been, or might lawfully be exerciſed or uſed. *So the words of the* Act *run, wherein* ſhe *alſo revives the* Act *of* 37 Hen. VIII. 17. *as far as it concerned the* Practiſe *of* Eccleſiaſtical Juriſdiction *by* Lay Doctors *of the* Civil Law. *She alſo reſumed a Power of iſſuing out* Commiſſions *for exerciſing* Eccleſiaſtical Juriſdiction, *and of giving out* Injunctions *as formerly. Thus the Caſe ſtood in her* firſt Parliament, *which began* Jan. 23. *and was diſſolved* May 8. *of the year* 1559. *Which things if they had held, had been little elſe beſides the abatement of a* word. *But her* Injunctions *themſelves followed that ſame year,* after *the diſſolution of the* Parliament, *wherein ſhe remits of the* things *themſelves, at leaſt with reference to the* Oath, *which was firſt introduced in* this *Parliament, in the form wherein we uſe it* now. *In theſe* Injunctions, *ſhe forbids her Subjects to* give ear to thoſe who maliciouſly laboured to notifie to her loving Subjects, how by words of the ſaid Oath it may be collected, that the Kings or Queens of this Realm, Poſſeſſors of the Crown, may challenge Authority and Power of Miniſtery of Divine Service in the Church, *She therefore tells them, that* her Majeſty neither doth, nor never will challenge any other Authority *than* under God, to have the Sovereignty and Rule over all manner of Perſons born within theſe her Realms, Dominions and Countries, of what eſtate, either Eccleſiaſtical or Temporal, ſoever they be, ſo as no other foreign Power ſhall, or ought to have any ſuperiority

1 *Eliz.* 1.

Injunct. by Queen *Eliz.* Edition by Biſhop *Sparrow* p. 77. 78.

riority over them. *She tells them therefore that*, if any Perſon that hath conceived any other ſenſe of the form of the ſaid Oath ſhall accept the ſame Oath with this interpretation, ſenſe or meaning, her Majeſty is well pleaſed to accept every ſuch in that behalf, as her good and obedient Subjects, and ſhall acquit them of all manner of Penalties contained in the ſaid Act, againſt ſuch as ſhall peremptorily or obſtinately refuſe to take the ſame Oath.

§ XIX. *HERE is a fair* Legal Interpretation *allowed by the* Regal *Authority it ſelf, for* whoſe *ſake the* Oath *was impoſed, perfectly diſcharging* us, *who have been concerned in it, from the* Belief *of Archbiſhop* Cranmer's *Principles themſelves, and therefore from* meaning *any ſuch* ſenſe *of it as otherwiſe* might *have followed, and indeed* muſt, *if the taking of the* Oath *had neceſſarily* ſuppoſed *our belief of* thoſe Principles. *Here we find thoſe* Principles *denied to have ever* been *the Senſe of the* Legiſlators, *even in the time of King* Henry *the VIII. or King* Edward *the VI. The* Queen, *in the ſame* Injunction, *calls it a* ſiniſter perſwaſion, *and* perverſe conſtruction *to* think *it was ſo. We need not* now *diſpute how* true *this aſſertion was for the time* paſt. *It is ſufficient for* our *purpoſe, that from the* time *of this* Injunction *we are not* obliged *to* mean *it ſo, how plainly ſoever it may ſeem to be ſuppoſed in the* Acts *revived by* her. *Yet what I have already ſaid, is ſufficient to ſhew how* unſteady *the* Legiſlators *were in* urging *the* belief *of theſe* Principles *on them who* took *this* Oath, *even when the* Words *of the* Laws *themſelves did ſeem moſt* literally *and* naturally *to* import *them in the* Senſe *of the* Legiſlators *themſelves. I have already obſerved the* Paper *ſubſcribed by* Cromwell *and* Cranmer *himſelf, contrary to their own* Doctrine *in the* height *of* Cromwell's *Power. I have obſerved that* Cromwell's *opinion, that* Lay-men *might conſecrate the* Euchariſt, *was ſo odious, even in King* Henry's *Reign, that it was made an* Article *againſt him for his* Attainder. *So alſo in the* Reformatio Legum Eccleſiaſticarum, *wherein*

That *Explication* diſcharges us *now* from any *obligation* to believe Archbiſhop *Cranmer*'s Principles.

Refor. Leg. Ecc de Excom. c. 2.

Cranmer *had a principal hand, drawn up in the* later *end of King* Edward *the VIth, the* Power *of the* Keys *is* owned *to have been* given *by* Chriſt *to the* Church, *and the* Power *of* Adminiſtring *the* Sacraments, *and of* Excommunication *is aſſerted to the* Miniſters *and* Governors *of the* Churches, *and* they *are allowed to be the* Judges *who are to be* admitted *to the* Holy Table, *and who are to be* rejected, *notwithſtanding the* Laws *made in that* ſame Reign, *preſcribing to the* Miniſters *what they were to do in theſe very Caſes; notwithſtanding the* words *of the now mentioned* Acts, *nay even of that very* Collection *aſſerting expreſly that the* King, *within his* own *Dominions, has* pleniſſimam Juriſdictionem, *over the* Biſhops *and* Clergy, *as well* Eccleſiaſtical *as* Civil, *and that* both Juriſdictions *are* derived *from* him *as from* one and the ſame Fountain. *This* Reformatio *was intended to have been confirmed in* Parliament (*according to ſo many* Acts *made concerning it*) *if the Kings* death *had not prevented it. Whether theſe things be* reconcilable, *or not, I am not* now *concerned. It is very* poſſible *that the* ſame Legiſlators *may* own *that in certain* conſequence, *which they do diſown in expreſs* terms. *And in ſuch a* Caſe, *the ſecureſt way for the* Subject, *who cannot be obliged to* Contradictions, *will be, rather to be concluded by their* expreſs profeſſions, *than by their* reaſonings *and* conſequences, *where they are not* reconcilable. *Eſpecially where thoſe* profeſſions *are agreeable to that* Practiſe, *which is notoriouſly* allowed *by the* Legiſlators *themſelves.* Allowed Practiſe *is granted by all to be ſufficient to* abrogate *a* Law, *much more, to* interpret *the Legiſlators* mind *in Caſe of an* ἀντινομία. *Indeed it is the* Concluſions *and* Practiſe *of the* Legiſlators *that is the* Law. *Their* Reaſonings *are ſo, no otherwiſe than as they clear their* Senſe, *when it does not* otherwiſe *appear ſo clearly from their* words *and* Practiſe. *And it muſt have been very* notorious *in* Practiſe, *that men who* disbelieved *theſe* opinions *of Archbiſhop* Cranmer, *were notwithſtanding* admitted *by the Government to take*

De offic. & Juriſd. omn. Justic.

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the Oath *of* Supremacy, *and thereupon to enjoy all the* Priviledges *and* Immunities *of Persons who had fully answered all the* ends *proposed by the Government in the* imposition *of it, when the* Queen *takes it for so groundless a* scandal, *to imagine that the* owning *of those* Principles *was* expected *from such as would* veraciously *take the* Oath, *even* then *when the* words *of the* Legislators *seemed so plainly to suppose that the* Legislators *themselves did* believe *those* Principles true. *But whatever the* Legislators *themselves thought; it hence appears very plainly that they did not* oblige *those who would be willing to* take *the* Oath, *to* think *in this particular, as* they *did. And if this was not required* then, *when the* Legislators *did* believe *these Principles* true, *and the words of the* Law *did so plainly suppose them to do so, and it was, even in their* Practise, *manifest that they did not* require *it; much more we have reason to believe it* not *required* now, *when not only the like liberty in* Practise *has continued, even to our* own times, *but we are withall so expressly discharged from all engagements to* believe *those* Principles true, *by that very same* Authority, *for whose interest the* Oath *was first framed and imposed, and when we have withall so* Authentical *an* Interpretation *given us, by the same* Authority, *of what is expected from us, so fully satisfactory to the* ends *of the* Government, *and yet withall so free from any thing that may seem to imply our* belief *of those* Principles *which would have made the* Oath *indeed* intolerable, and inconsistent *with that hearty* zeal *which we all owe in the first place, to our* Church *and our Orthodox* Communion.

§ XX. TWO *things the* Queen *expressly insists on as things* intended *to be* meant *by all who will* take *this Oath* sincerely *and* veraciously. *And those are points making considerably for the* interest *and* security *of the* Crown, *and which have formerly been* disputed, *and are therefore* worthy *and* fit *to be the matter of an* Oath: *First, that our* Princes *have the* Soveraignty *and* Rule *over all* Persons born *in their* Dominions, *as well* Ecclesiastical *as* Civil. *This was a*

What the *Queen* requires, we can *sincerely* undertake, and in a *sense* fully answering the *Imposition* of the *Legislators.*

thing diſputed *by* Anſelm *aud* Becket, *and decided* againſt *them, as well by the concurrence of their* own *Order of the* Eccleſiaſticks, *as of the* States. *And it was a point of great* importance *in the Circumſtances of King* Henry *the* VIII. *and our* firſt *Princes of the* Reformation, *to* aſſure *them of the* Allegiance *of that part of their Subjects who, as they pleaded* exemption *from* them, *ſo had ſworn* Allegiance *to the* Popes, *with whom thoſe* Princes *were then in open* Hoſtility. *To this* they *were* obliged *not only by the* general *Laws of our* Chriſtian Religion, *which* gave *them no* exemption *where the* Laws *did* not *ſo*; *but by the* particular *Laws of our* Countries, *on account of the* Baronies *and* Lay-fees, *of which the* chief *of them were generally poſſeſs'd. The other point was, that* no other foreign Power ought *to have any* ſuperiority *over the born* Subjects *of theſe* Realms. *This had alſo been a point antiently* diſputed *in the Caſe of* Wilfrid, *and in the* Statutes *of* Proviſors 25 Edw. *the* III. *and of* Præmunire 16 Rich. *the* II. *and was of very great* importance *in the* diſputes *between our Reforming* Princes *and the* Court *of* Rome. *Theſe two are* all *the* Queen *inſiſts on, and in the* aſſerting *of both theſe* Rights *to our* Princes, *we do as heartily* agree, *as our* Legiſlators *themſelves can deſire we ſhould do. And in doing ſo, our Adverſaries themſelves cannot deny, but that we ſerve the* ends *of the* Legiſlators, *in* impoſing *this* Oath, *to very material purpoſes. For my part, I think, we ſerve* all *the* neceſſary ends *according to the* Senſe *of the* Legiſlators *themſelves. They do frequently* profeſs *a deſign, not of* Innovating, *but of aſſerting only* Antient *and* Original Rights *owned by the* Laws *themſelves*, before *thoſe later* Diſputes *concerning the* Supremacy. *And, if they were* ſincere *in profeſſing ſo, I cannot ſee any* reaſon *they had to* intend *more. Theſe* two Rights *now mentioned, had really been* antiently *aſſerted to the* Crown, *on occaſion of* antient Diſputes *that had been ſtarted concerning them. But where can our Adverſaries pretend any elder* Diſputes *concerning the* validity *of* Lay Deprivations, *that gave any occaſion for* antient Laws, *ſtill in force for aſſer-*

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ting them valid? Where can they find the whole Legislative Power united in asserting any such Right of Lay Deprivations, or of the Proposition so frequent in the Laws of those times, that all Ecclesiastical Authority was derived from the King? Where could they find Commissions given to Laymen such as Cromwell was, by the Lay Prince empowering to exercise all sorts of Spiritual Censures? There is so little appearance of any Antient Disputes, or Antient Laws made concerning these things, that there is no likelihood that they did, or could, require the belief of their opinions in this matter, if they only intended to revive the asserting of Antient Rights. And for the opposition made then by the Clergy, they perfectly subdued them, and might, if they had pleased, have imposed these Opinions on them. They might, if they had thought fit, have inserted them into the Form of the Oath of Supremacy it self. They might otherwise have imposed it on all the Bishops to have taken out the like Commissions as Bishop Bonner and Archbishop Cranmer did. And there was very little doubt of the concurrence of the Laity, who might then have carried it in Parliament, when the Authority of the Clergy was so broken by the Præmunire and the surrendry, if there had been any design of attempting it. But neither of these things having been attempted, it seems to argue that, though they were willing to keep this Opinion in some reputation, for keeping the Clergy under those Depressions to which they had reduced them; yet they had not, even themselves, the confidence to impose the belief of it on the Clergy, nor to make it any part of that Supremacy, for the Security of which the Oath was made. This reason there was for believing the Queens affection true, even for the time past, though what she said had been considered without the Authority of the Person that delivered it. We can hardly suppose her ignorant, either of the facts or the designs with which they were transacted in the days of her Father and her Brother. Yet I am apt to think that her comparing the Supremacy assumed by her self, with that which had been challenged by her Father and Brother,

Brother, *does not ſo much imply that her Supremacy was as bad as theirs, as that it was not* worſe. *This later meaning was very appoſite to her purpoſe in urging it on the* Popiſh Biſhops, *who had owned it in her* Father *and* Brothers *times, when it was* worſe *than what was* now *expected from them. But from the time* ſhe *put out this* Injunction, *and* downwards, *her* own Authority *is ſufficient to aſſure us, whatever it was then, that it is* not *required* now. *Eſpecially when ſeconded by the other* Authorities *which we ſhall produce hereafter.*

The Queen's *Injunction* excuſes us from ſwearing to the *Supremacy* over *Spiritual Perſons* in Cauſes *purely Spiritual.*

§ XXI. *BUT it is obſervable by the way, that, by the* Queens explication, *the* Supremacy *over* Spiritual Perſons *is* all *that is* Sworn *to,* not *that, which is expreſsly mentioned in the* Oath, *which is in* Spiritual Cauſes. *For the Queen profeſſes her ſelf* ſatisfied, *if thoſe* two *things be included in the* Oath, *the* renunciation *of all* foreign dependences, *and her* Sovereignty *at* home *over all her* Subjects, *as well* Spiritual *as* Temporal. *She requires no more for diſcharging Perſons who can go ſo* far, *from all the* Penalties *of the* Act *by which the* Oath *was impoſed. That theſe two may be reconciled, it will be requiſite that no* more *be included in the* Oath *than is in the* Injunction, *and therefore that no* Spiritual Cauſes *be meant in the* Oath, *but ſuch as are abſolutely* neceſſary *to be included, in order to the rendring the* Supremacy *over* Spiritual Perſons practicable. *Such are all thoſe* Temporalties, *which, on account of their being of their own nature* Temporalties, *muſt therefore be ſuppoſed to have been* Originally *the* Magiſtrates Right, *and are therefore only called* Spirituals, *inaſmuch as they are, by the favour of the* Magiſtrate, *annexed to* Spiritual Offices *and* Spiritual Perſons. *For this is a known Notion of this Word in our* Laws, *that all the* Temporals *that were* annexed *to* Spirituals *are, for that reaſon, called* Spirituals *alſo. So the Biſhops* Lordſhips, *their* Baronies, *their* Benefices *are all called* Spiritual. *So the* Honours *and* Revenues *alſo of the* inferior Clergy, *and* the Legal Priviledges *to which they are intituled*

tituled by their Tenures. *So the* Cauſes *alſo which, being originally* Political, *have notwithſtanding been permitted to* Spiritual Juriſdiction, *of this ſort are all Cauſes* Matrimonial *and* Teſtamentary, *which belonged to* Secular Courts *before the* Converſion *of* Princes *to the* Chriſtian Religion. *And upon account of this name of* Spiritual, *which is given to things of this nature in our* Laws, *it is, that the ſame* Laws *refer their* cognizance *to* Spiritual Courts *and* Spiritual Juriſdictions. *And indeed the generality of the* Cauſes *now tryed in the* Spiritual Courts, *were* originally *of this kind, of things of their own nature* Temporal, *and therefore* Originally *of* ſecular cognizance. *Yet, when the Clergy* inſiſted *on their* exemption, *and allowed no* appeals *from their* Courts *in* any *of the matters then permitted to their* Juriſdiction, *unleſs when* themſelves *were pleaſed to* deliver *their Criminals over to the* Secular Arm, *this Practiſe left the* Secular Prince *no remedy in ſo many Caſes* Originally *belonging to his* own cognizance, *more* properly *than to* theirs, *to whom it had been allowed by the* indulgence *of his well-meaning pious* Predeceſſors. *This grievance was again leſs tolerable to the* Secular Magiſtrate *on this account, that the very* Perſons *of the* Clergy, *on account of their being taken for* Spiritual *in the eſtimation of the* Law, *were* wholly *exempted from the cognizance of the* Lay Courts, *even when guilty of* Secular Crimes, *unleſs the* Spiritual Judges *were pleaſed to* give *them up to the* Secular Arm, *after their having firſt* degraded *them, and thereby* deprived *them of their* Claim *to* Exemption, *on account of their being taken for* Spiritual Perſons. *There was* reaſon *for theſe* Exemptions, *when they were* firſt *granted by* Chriſtian Princes, *full of their* new zeal *for their excellent* Religion *upon their* firſt *embracing it. It had been* practiſed *by the* Jews, *and from* them *received by the* Chriſtians, *before the* Converſion *of* Princes, *even in the* times *of the* Apoſtles. *Even then a* Brother *was not permitted to go to* Law *with a* Brother *before* Infidel *Judges. They could*

could be no other than Secular Cauſes *that* Infidel *Judges were allowed to determine. The* name *uſed by St.* Paul, *who calls them* βιωτικὰ, *implies they were ſo, as alſo the* meanneſs *of the Perſons by him allowed to* judge *concerning them. Even our* Saviour *himſelf ſeems to allude to it, and to allow of it (as I think* Eraſtus *himſelf has firſt very happily obſerved) when he allows them, who would not ſtand to ſuch an award of their own* Eccleſiaſtical *Brethren, to be accounted as* Heathens *and* Infidels, *that is, to be as freely proſecuted in* Heathen Courts *as* Infidels *might be, when* Brethren *of the* peculiar People *had any* ſecular *controverſies with them. The reaſon given for this was that* Infidels *might not* know, *and take* ſcandal *at, the Infirmities of thoſe who were to be as* lights, *exemplary to thoſe who were not of the ſame profeſſion. And this* reaſon *held, as well in the firſt times of the* Converſion *of* Princes *to our* Chriſtian Religion, *as it had done before. Then alſo* Heathens *were allowed, by the Conſtitution, to be* Judges *in the* Roman *Courts. And it holds* ſtill *in* general, *even ſince our* Chriſtian *Laws have excluded any but thoſe who, at leaſt,* profeſs *themſelves* Chriſtans, *from being* Judges *in our preſent* Secular Courts. *The* Clergy *are* ſtill *obliged to be as* exemplary *to our* Chriſtian *Brethren of the* Laity *now, as all* Chriſtians *in* general *were* then *obliged to be in relation to the generality of the* Gentile *World. This makes it as reaſonable* ſtill *to* conceal *the* infirmities *of the* Clergy *from the* Lay Judges *of our* Secular Courts, *as it was* then *to* conceal *the* Infirmities *of* Chriſtians *in* general *from the* Gentile Courts. *And the grants of the* Emperors *to this purpoſe, were only to* authorize *them to practiſe the ſame way of* concealment *by* confining *ſuch* Cauſes *to the* Audientia Epiſcopalis, *as they had practiſed* before *any* Indulgences *from* Princes. *Nor was this liberty* abuſed, *or* like *to be ſo, whilſt the* Clergy *had no* foreign *dependences, ſuch as they were poſſeſſed of afterwards, not only in King* Henry *the VIIIths time, but long* before *him, when theſe* Diſputes *concerning*

Exemptions

Exemptions *were first ſtarted. It was in Caſes where the* ſcandal *might be avoided by ſuch a* Judgment *of Perſons* well-affected *and* concerned *for their* Order, *not in Caſe of* open hoſtility *to their* Prince. *None* ſuch *were ever protected by their* Priviledge *in the* firſt *Ages after the* Converſion *of the* Empire *to our* Chriſtian Religion. *But when this* foreign *dependence had brought things to this paſs, that* Spiritual Judges *might be juſtly ſuſpected of* partiality *in theſe* Cauſes *which were not* Originally of Spiritual cognizance, *then it was not* unſeaſonable, *nor* unkind, *if* Princes *(in their own defence) did ſo far* reſume *their* antient Rights *as to take better* ſecurity *than had been given formerly, that their* favours *might not be perverted againſt the* Intereſts *of the* Lay Power *by which they had been originally* granted. *Thus it appears had than* Acts *of* Parliament *were really* true *concerning* all *the* Juriſdiction *of the* Spiritual Courts *concerning the* ſeculars *annexed to* Spirituals. *And even in the* Spiritual Cauſes, *in which the* Spiritual Judges *had a* Right *Antecedently to the* grants *of* Princes, *yet the Right of* puniſhing *refractory Perſons with* Temporal Coercions *was the* Prince's, *and truly* derived *from the* grants *of the* Lay Magiſtrates. *So that indeed* all *Parts of the* Spiritual Juriſdiction *had ſome thing of* Original Secular Right, *and therefore* reſumable *by* Princes, *ſo far as* they *ſhould judge it neceſſary for their own* Preſervation. *And ſo far it was* neceſſary *to reſume it, and* juſtifiable *too, as it was* neceſſary *for reducing* Spiritual Perſons *to their* Original *due* Subjection *in* Temporals, *for which the* Temporals annexed *to* Spirituals *were abundantly* ſufficient. *For this would perfectly reduce them to the* ſame ſubjection *under which they were,* before *thoſe* favours *were* granted *by the* Secular Magiſtrate. *And* more *than* that *he cannot juſtly challenge as his* due. *Theſe therefore are the only* Spiritual Cauſes *that can be meant in the* Oath *by this* explication *of Queen* Elizabeth, *and will in* ſome *ſenſe reach all* Spiritual Juriſdiction *and all* Spiritual Cauſes, *as*

there was a mixture *of* both Powers *in the Proceedings of the* Spiritual Courts *of thoſe times. And this is the Explication of the word* Spiritual *given, as I remember, by Sir* John Davyes *in* Lalor's *Caſe. But this will not juſtifie the* Magiſtrates *aſſuming what* never *belonged to him, his intermeddling with matters of* Faith, *and with* Crimes, *not barely as* Crimes *injurious to the* State, *but as* Scandals *to our* Religion. *Much leſs will it juſtifie his preſuming to give* Commiſſions *for inflicting* Spiritual Cenſures. *From the* belief *of the* allowableneſs *of theſe things the* Queens Explication *will fully* diſcharge *us. Yet* without *theſe things he can never pretend to a* Power *of* depriving *our* Biſhops *of their* Spiritual Power, *nor of* abſolving *us from our* duty *to them as* over us in the Lord.

This *Injunction of* Queen *Elizabeth* ſtill in *force.*

§ XXII. *NOR is there any reaſon to* doubt *of the* ſufficiency *of this* Explication *of the* Queen *for ſatisfying our* Conſciences *in* this Age, *as well as in* that *wherein theſe* Injunctions *were firſt ſet forth. I am very well aware of the pretences of the violent Party concerning the* Canons *of* 1640. *which yet our ableſt and moſt impartial* Lawyers *think to be* ſtill *in force. Indeed the whole* Supremacy *in* Eccleſiaſticals *has been, by all the* Acts *made in favour of it, veſted in the* King *without the leaſt* mention *of the* Secular States. *And accordingly the* Prince's *Act in ſuch affairs has been always thought ſufficient for giving* Authority *to them without any* confirmation *in* Parliament. *And that not only for his* own time, *but for* ever, *till a* Revocation *of it by the* ſame Power *by which it was eſtabliſhed. Who doubts but the* XXXIX. Articles, *and the* Canons *made in year* MDCIII. *are* ſtill *good* Eccleſiaſtical Law? *Yet what* Authority *have they to* make *them ſo beſides the* Regal *confirmation of Queen* Elizabeth *for the* former, *and of King* James *the* I. *for the* later? *Nor was it counted* material *for this purpoſe, whether any* Parliament *was* ſitting *or* not, *when the* Prince *was pleaſed to* ratifie *ſuch* Eccleſiaſtical *proceedings. Indeed I ſee no* reaſon *why it ſhould be counted* neceſſary *that a* Parliament

liament *ſhould* be *at the ſame time, when the* Parliament *was not* neceſſary *for their* confirmation. *The* Act *for the* Kings Authority *in* confirming Conſtitutions Eccleſiaſtical 25 Hen. VIII. 19. *requires no more* confirmation *than that of the* King. *And King* James *the* I. *grounds* his confirmation *of the Canons on* that Act, *which yet none thinks extinguiſhed with his* Perſon. *There might have been* more *pretended for the* neceſſity *of a* Parliament ſitting *at the* ſame time *with the* Convocation *antiently, than can be* now. *Then the* Clergy *acted* Parliamentarily, *and had their* Members *in both* Houſes. *Yet not ſo, but that even* then *we have had ſeveral* Synods *diſtinct from the* Parliament. *Now the* Convocation, *even in* Parliament time, *is notwithſtanding a* diſtinct Body, *and a* diſtinct Aſſembly *from it, ſince the* Clergy *have been* excluded *from the* lower Houſe, *and the* Biſhops *ſit in the* upper Houſe, *rather on account of their* Baronies *than their* Spiritual Juriſdiction. *And their* meeting *and* acting *wholly* depends *on the Pleaſure of the* Prince, *and is not* confined *to* Parliament times *in the* Act *now mentioned. I ſee not therefore why the* Injunctions *may not be counted* Eccleſiaſtical Law *ſtill, on the account of the* Regal Authority *by which they were ſet forth, and why the* explication *given in them of the* Oath *of* Supremacy *may not* ſtill *be allowed as a good* Authority. *If it be requiſite that the* Oath *have a certain* Senſe, *the* Explication *of the* Oath *cannot be eſteemed a more* temporary *thing than the* Oath *it ſelf is. This, at leaſt, will be reaſonable, that* this Senſe *be taken for the* true Senſe *of the* Oath *till it be* contradicted, *and* another *ſubſtituted inſtead of it by the* ſame Authority.

§ XXIII. *AND yet though* this *ſhould not hold, we have all the* confirmation *of this* Particular *of the* Injunctions *that we need* deſire. *The* grant *of the* Supremacy *to the* King *in the* Act *now mentioned under* Henry *the VIII. was grounded on the* ſurrendry *of the* Clergy, *as appears from the* Preamble *of the* Act *it ſelf. What therefore was* ſurrendred *by*

The *Explication* in the *Injunctions* authorized by *our Church* in her XXXVIIth *Article.*

by the Clergy, *that ſame was the* power *that by the* Act *was veſted in the* Crown. *But concerning the* Senſe *of the* ſurrendry, *none can be ſuppoſed more competent* Witneſſes *than the* Body *by which the* ſurrendry *was made. Eſpecially, when the* Act *by which the* Oath *is explained by the* Clergy *is, not only allowed, but* Authorized, *by the* Regal power, *to which the* ſurrendry *was* made. *Upon this account we we have reaſon to* believe *the* Explication *ſo given to be the* ſenſe *of* both parties *concerned in the* ſurrendry, *and to be as well* accepted *by the* Prince, *as* given *by the* Clergy; *which ſhould alone be ſufficient to ſatisfy all the* reaſonable Scruples *that can be in this matter. At leaſt, the* Judgment *of* our Church *muſt needs be ſatisfactory, and a ſufficient* Authority *to explain her* own ſenſe *in this matter, and to ſhew what* liberty *may be allowed a Member of* our Church *in it, conſiſtently with the principles of his* Communion, *and his pretentions of being a* Member *of it; and withall, how* other Acts *of the* ſame Church *are to be* interpreted. *And the* ſenſe *of* our Church *of* England *both concerning the* Oath, *and the now-mentioned* Injunction, *is manifeſt in her* xxxvii*th* Article. *So ſhe* there *teaches us*: Where we attribute to the Queens Majeſty the chief Government (by which Titles we underſtand the minds of ſome dangerous folks to be offended) we give not to our Princes the miniſtring, either of Gods word, or of the Sacraments, the which thing the **Injunctions** alſo lately ſet forth by *Elizabeth* our Queen do moſt plainly teſtify: But that only Prerogative which we ſee to have been given to all Godly Princes in Holy Scriptures by God himſelf, that is, that they ſhould rule all eſtates and degrees committed to their charge by God, whether they be Eccleſiaſtical or Temporal, and reſtrain with the Civil ſword the ſtubborn and evil doers. *Here we have the* Explication *in the* Injunctions *approved by our* Church *her ſelf, who gives us the* ſame ſenſe *in her* own words *expreſsly, and is fully ſatisfied with our believing the* Prince's Right *to* govern both ſorts *of* Perſons. *By this we may*

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also know her meaning *in the words immediately* preceding, *where she mentions* **all Causes**, *that she did mean only* such Causes *as were absolutely* necessary *for making the* Prince's Right *perfectly* practicable *for* governing *the* Persons *of the* Ecclesiasticks. *We are also here clearly and expressly* discharged *from all* Obligation *to* believe *Archbishop* Cranmers singular Opinion, *and consequently from the* belief *of that* Supremacy *which was* grounded *on that* Opinion; *without which, I do not see how our Adversaries can ever be able to justify the* validity *of these* Lay-deprivations. *And none, that I know of, doubts but that this* Article, *at least, of our* Church *does as much concern* our times, *as* those *wherein it was first made.*

§ XXIV. *YET further, that no* Authority *may be wanting, we have this same* Explication *in the* Injunctions *expressly* referred to, *and* ratified *in, an* Act *of* Parliament *of the same* Reign *of Queen* Elizabeth, *still in* force *and* unrepealed. *The words are those*: Provided also, that the Oath expressed in the said Act made in the first year shall be taken and expounded in such form as is set forth in an Admonition annexed to the Queens Majesty's **Injunctions** published in the first year of her Majesty's Reign: That is to say, to confess and acknowledge in her Majesty, her Heirs and Successors, none other Authority than that was challenged and lately used by the noble King *Henry* the *VIII.* and King *Edward* the *VI.* as in the said Admonition more plainly may appear. *The word* Admonition *is taken from the* Title *of that particular* Injunction, *(wherein it is stiled*: an Admonition to simple Men, deceived by Malicious,) *that there may be no doubt, but that the forementioned* Injunction *is* intended *in this* Act. *And that the* Supremacy *here assumed by the* Queen, *and said to be the* same *that was* challenged and lately used *by King* Henry *the VIII. and King* Edward *the VI. may not be so understood, as to* exclude *the benefit of the* Interpretation *here* referred *to. Indeed such a* rigorous *Construction had been perfectly*

The same *Explication* of the *Injunctions* confirmed also by *Act* of *Parliament.*

5 *Elizab.* 1.

perfectly to overthrow the whole Design *of the* Act *in* referring *to it. But that very* Expreſſion *is uſed in the* Injunction *it ſelf, from whence the* Parliament *took it, and therefore, is to be underſtood in a ſenſe* conſiſtent *with the* reſt *of the* Injunction; *and therefore, in a ſenſe* conſiſtent *with the* renunciation *of that ſingular* Opinion *of Archbiſhop* Cranmer, *how much ſoever it may ſeem to have been* ſuppoſed *in the* words *of the* Acts, *and to have been therefore the* private ſenſe *of the* Legiſlators *themſelves. Yet they, as well as the* Queen *her ſelf, think it was never the* Legiſlators deſign (*even in* thoſe *Reigns, where it ſeems indeed to have been their* ſenſe) *to* impoſe *the* belief *of it on thoſe who ſhould take the* Oath. *This muſt neceſſarily have been their* ſenſe *when they refer us to the* Injunction *as expreſſing that* ſenſe *of the* Supremacy *which they allowed and approved. This muſt make the* Explication *in the* Injunction theirs, *and conſequently muſt make the true* deſign *of this* Act *as full to our purpoſe as the* Injunction *it ſelf. I need not* now *add to this Authority, the* Explication *of the* Supremacy *by Archbiſhop* Uſher, *and approved of by King* James *the I. Much leſs the* Opinions *of the generality of our* Divines *ſince the beginning of Queen* Elizabeth *againſt that* Opinion *of Archbiſhop* Cranmer, *without which (as I have ſhewn) it is impoſſible for our Adverſaries to* prove *the* validity *of* Lay Deprivations. *What ſome of them have* reaſoned *from the Caſe of* Solomon *and* Abiathar *is the leſs to be regarded, being deſtitute of* Principles *by whith the* like Practiſe *(had it really been ſuch as they think it was) can be proved allowable by the Doctrine of the* Goſpel, *and the* Prieſthood *conſtituted by it; nay, being contrary to their* own *Doctrine concerning the* Divine Right *of* Adminiſtring *the* Sacraments. *All that can be ſaid, is, that by* defending *that* Right *of* Solomon, *and by applying it to the Caſe of the* Chriſtian Magiſtrate *with regard to the* Popiſh Biſhops, *who were of* another Communion, *they may ſeem to have ſaid things conſequently* applicable *to our preſent* Caſe *of*

Biſhops

Biſhops *of the* ſame Communion. *Yet whether they would have* ſtood *by this* Conſequence, *in Caſe of a* Lay Deprivation *of* Proteſtant Biſhops, *our Adverſaries themſelves cannot undertake; and it is much more probable that many of them would* not *have ſtood by it. But on the other ſide we can alſo ſay, that when they* denied *the* Right *of* Adminiſtring *the* Sacraments *to be* derived *from the* Magiſtrate, *they muſt by conſequence,* deny *the* Right *of* Spiritual Government *reſulting from the* Right *of* excluding *refractory* Subjects *from the* Sacraments, *and from the* Spiritual *Body, and from the* Rights *annexed to that* Body *of* CHRIST *himſelf, they muſt I ſay, by neceſſary conſequence, deny this* Spiritual Power *to be the* Magiſtrates *Right; they muſt, by the ſame* conſequence, *deny all* Right *the* Secular Magiſtrate *can pretend to* deprive *of this* Power *which was* never *derived from* him. *Thus there will be* Conſequence *againſt* Conſequence. *But there is this difference between the two* Conſequences, *that* ours *reaches the* preſent Caſe *fully and directly; but it may be* queſtioned *whether that of our* Adverſaries *do ſo. For it may well be queſtioned, whether, if the* Lay Magiſtrate *may deprive* Popiſh Biſhops *of* another Communion, *it will thence follow, that he may alſo deprive* Proteſtant Biſhops *of the* ſame Communion, *as I ſhall ſhew hereafter.*

§ XXV. *BUT the ſecond* Canon *of the year* 1603. *is objected againſt us. The words are theſe:* Whoſoever ſhall hereafter affirm that the Kings Majeſty has not the ſame Authority in Cauſes Eccleſiaſtical, that the Godly Kings had amongſt the Jews, and Chriſtian Emperors in the Primitive Church, or impeach in any part his Regal Supremacy in the ſaid Cauſes reſtored to the Crown, and by the Laws of this Realm therein eſtabliſhed; let him be Excommunicated *ipſo facto*, and not reſtored but only by the Archbiſhop after his repentance and publick revocation of thoſe his wicked errors. *Here all that is affirmed to our Adverſaries purpoſe is only this, that* our Kings *have the ſame* Authority in Cauſes Eccleſiaſtical that the Godly

It is rather *ſuppoſed*, than *contradicted*, by the ſecond *Canon*.

Godly Kings had amongſt the Jews. *But what that* Authority *was, or what the* particulars *of it were, that our Church does not tell us* here. *Yet without an* enumeration *of* particulars, *none can tell what* particulars *were intended. But theſe are rather to be judged of by other paſſages, where the ſame* Church *tells us what that* Authority *was which ſhe thought the* Godly Kings *had* amongſt the Jews. *This ſhe her ſelf tells us expreſly in the* Article. *She there tells us, that the* only Prerogative which we ſee to have been given always to all Godly Princes in Holy Scriptures by God himſelf, is, that they ſhould rule all Eſtates and Degrees committed to their charge by God, whether they be Eccleſiaſtical or Temporal, and reſtrain with the Civil Sword the ſtubborn and evil doers. *If this* Right *of* ruling *the* Eccleſiaſticks *be all that is aſſerted to the* Prince *by the* Supremacy *in* Spirituals, *and that very* ruling *be only a* reſtraining *them* with the Civil Sword; *theſe two things are ſo very exactly agreeable to our Doctrine, that we can, by no means, be concerned in the* cenſures *mentioned in the* Canon. *I might withall mention (what I have already inſiſted on) the* approbation *of the* Explication *in the* Injunction *in the ſame* Article, *by which we are excuſed from believing that the* Lay Magiſtrate *has any* Right *to* deprive Biſhops *of their* Spiritual Power, *or from* believing *any thing from whence that may be ſolidly* inferred. *For why ſhould we not* interprete *the* ſenſe *of our* Church *of* England *in her* Canons *by her* ſenſe *in her* Articles? *Why ſhould we ſuſpect ſhe meant to* Excommunicate *her Members by her* Canons *(where* no particulars *are* expreſſed) *for* particularly *diſowning that* extent *of* ſecular *Authority in* Spirituals, *which in her* Articles, *where ſhe ſtates the Queſtion, and tells us what ſhe* takes *to be the* Rights *of* Princes *as expreſſed in the* Scriptures, *ſhe does not mention as a* Right *of the* Jewiſh *Kings, nor conſequently of* our own? *We deny not our* Kings *a* Right *of* driving Biſhops away *by the* Civil Sword, *if no more be inſiſted on from the Caſe*

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of Solomon and Abiathar. *And no more can be pretended to be the* Right *of our* Kings *by this* Explication *in the* Article. *This is in truth an* antient Right *of the* Supream Power, *even* before *it was* Christian. *The Emperor* Aurelian *had it, though then a* Pagan, *and afterwards a* Persecutor, *and* practised *it with the* approbation *of the* Primitive Church *against* Samosatenus. Exile *and* imprisonment, *and* confinement *to a* certain place *(such as that was of* Abiathar *to* Anathoth*) we grant to be* Temporal Punishments *in the* Power *and* Right *of* him *(whoever he be) who has the* Right *of managing the* Civil Sword. *But it is very plain, by this* Interpretation *of the Queens* Injunction *allowed in this* Article, *that our* Church *did not oblige to the rigour of some mens* private opinions, *and particularly not to these of Archbishop* Cranmer, *concerning the* dependence *of the* Sacordotal Power *on the* Prince. *And therefore, though there have been those who from that Case of* Abiathar, *have inferred the* deprivableness *of the* Episcopal Power *by the* Lay Magistrate; *there is no reason to believe that ever our* Church *in that* Canon *intended to* exclude *all such from* Communion, *who could not come up to the heights of these* private Opinators. *The rather this is credible, because I have already shewn that even in the times of King* Henry *the VIII. and of King* Edward *the VI. when these* Opinions *were* believed *by the* Legislators *themselves, they notwithstanding had not the* confidence *to* impose *them. How much* less *were they likely to do so under King* James *the I. when these* Opinions *were generally* disbelieved? *I am sure those* Fathers *who made those* Canons *could not, with the least likelihood, pretend that in those* Times *of the* Primitive Church, *when the first* Christian Emperors *governed, this* Opinion *was* believed, *that all* Spiritual Power *was* derived *from the* Emperor, *and was therefore* deprivable *by* him. *Yet if they did not, they could not* give *this* Right *of* depriving Bishops *of their* Spiritual Power *to our* Kings, *considering, that, in this very same* Canon, *they do not* pretend

to give our Kings any other Rights than what were owned in the first Christian Emperors by the Primitive Christians.

The Practise of the Supremacy to our times no argument of the imposed sense of the Legislators against us.

§ XXVI. *WELL.* But however our Adversaries think that the sense of the Legislators as explained by the Practise is against us, that Laymen have been permitted the use of Spiritual Censures. Such was that Case of Cromwell. Such that of the Lay Civilians still permitted by the Spiritual Courts, and defended by the Act of Parliament. Such the late Commission Court, empowered to suspend and deprive the Bishop of London, consisting of Laicks mixt with Ecclesiasticks, and a Lay President. But Facts alone do, by no means, signifie the mind of the Legislators, unless they be approved and agreeable to Principles. Much less can they pretend to be Rules in Conscience, to the Obedience of the Subjects. For Princes do many things upon exigencies of state, which even themselves do not approve, when they are free from those exigencies. So far they would be, even themselves, from imposing them generally on their Subjects Consciences. And the Facts, we are speaking of, have been so rare and discontinued, that even that is sufficient to shew that even the Princes themselves have done them unwillingly, and with regret, and under the necessity of those very exigencies. I need not repeat what I have already observed, to this purpose, in the Reigns of King Henry the VIII. and King Edward the VI. As for the Commission Court, it is no wonder if King James the II. took the utmost liberty that Protestant Lawyers allowed as Law. It is rather to be admir'd that Protestant Lawyers should help him to an Expedient so hurtful to their own Communion, and that upon such slender grounds as a few Facts, which they were pleased (upon so little probability) to allow as Precedents. The Bishop of London, then, when it was his own case, did not think the Laymen his competent Judges in order to his suspension or deprivation from Spirituals. And those Lawyers who had so much zeal, not as to pervert them, but keep them equal and unbiassed between both extreams, did think his Plea, not only equitable in conscience, but warrantable

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in Law. *It were well his* Lordſhip *and thoſe* Lawyers *would recollect how applicable thoſe things are to our* preſent caſe, *which themſelves ſo zealouſly defended* then. *As for the* Act *in favour of the* Lay Civilians, *it ſelf complains of the* rareneſs *of ſuch Examples* then, *becauſe of the* averſeneſs *of the* Biſhops *to imploy* ſuch perſons *on* ſuch affairs. *That is ſufficient to ſhew how much it was even* then *againſt the ſenſe of the* Eccleſiaſticks, *who were the only* competent Judges *of* Right *in matters of this* nature, *with regard to* Conſcience. *Since that time it has been ſtill* more *diſagreeable, though the* Practice *has continued on account of that* Act *in favour of it. Yet it has furniſhed the* Non-conformiſts *with an* Objection, *and that ſuch an one as has put the* Defenders *of the* Church *rather on* Excuſes *than* Defences. *A plain token they would rather have wiſhed it otherwiſe, if the* Lay Powers *who had introduced this cuſtom would have given leave. None have been more zealous in* this particular *than our modern* Latitudinarians, *a* Party *which has been of late as taking among our* Lay Nobility *and* Gentry, *as among the* Eccleſiaſticks *themſelves. Accordingly there has been a* ſhift *found, that the* cenſures *adjudged by the* Lay Civilians *ſhould be* publiſhed *by* Presbyters, *that ſo the* Cenſures *themſelves might* ſeem *to proceed from the* purely Spiritual Authority. *The like care is taken in the* Canons *made in the time of King* James *the* I. *that when a Sentence of* Deprivation *or* Depoſition *is to be pronounced againſt a* Miniſter, *it be* pronounced by the Biſhop himſelf, with the aſſiſtance of his Chancellor, the Dean (if they may conveniently be had) and ſome of the Prebendaries, if the Court be kept near the Cathedral Church, or of the Archdeacon, if he may be had conveniently, and two others at the leaſt grave Miniſters and Preachers to be called by the Biſhop, when the Court is kept in other places. *The leſs theſe things agree with the* Private *(not, as I have ſhewn,* impoſed) *ſenſe of the* Legiſlators *in that Act, which was by aſſerting* directly *the* Right *of ſuch* Authorized Lay Do- *Can.* 122.

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ctors *for inflicting ſuch* Cenſures, *to aſſert* conſequently *the* Right *of the* King, *though a* Layman *alſo, for being a* Fountain *and* Original *of all* Spiritual Power; *the* more *they ſhew the* ſenſe *of our* late Princes, *and all that are concerned in the* Practiſe *of theſe* Lay Judges *in* Spirituals now, *ſince theſe* Canons *are* Authorized, *that this* Practiſe *as it is continued* now, *cannot argue any* deſign *of the* Legiſlators *to* oblige *Perſons who take the* Oath *to* mean *any ſuch* enchroaching *notion of the* Supremacy. *But let the moſt that can be, be made of this Argument from* Practiſe; *it is notwithſtanding certain that, as none but* allowed Practiſe *can be fairly ſuppos'd to prove the* ſenſe *of* Authority, *ſo that* Practiſe *which is moſt agreeable to allowed* Doctrines *and* Explications, *has the faireſt Pretenſions to be taken for* allowed. *And* ſuch Practiſe *I have ſhewn to be in favour of* ours, *rather than our* Adverſaries *Opinions, by ſhewing that we take no more liberty than what we were* allowed *to take by* Authorized Explications.

The *Objection* propoſed, that our *preſent Proteſtant Succeſſion* ſeems to *depend* on the *validity* of the *Deprivation* of the laſt *Popiſh Biſhops*, which was no other than *Laical.*

§ XXVII. *BUT there will be no need of proving Archbiſhop* Cranmer's Principles *to be the* Doctrine *of* our times, *if our preſent* ſucceſſion *cannot be maintained without* defending *them. And that is thought to be our preſent Caſe. For an* Invalidity *in the* Original, *muſt affect all thoſe* later Orders *that are* derived *from the ſame faulty* Original. *For if the* firſt Ordainer *could* convey *no* Power *to the Perſon* Ordained *by him, neither can the* ſecond, *who has himſelf* received *no* Power, *give any* Power *to a* third, *nor that* third *(for the ſame reaſon) to a* fourth, *nor much leſs to any* remoter *degree of* diſtance *from the ſame* Original. *If therefore the* Deprivation *of the* Popiſh Biſhops *which was no other than* Laical, *was* invalid; *then their* Proteſtant Succeſſors *in the ſame* Sees (*yet* full, *if the* Deprivation *was* invalid) *were not* ſecond Biſhops, *but* none, *by the Doctrine of St.* Cyprian's Age *defended by us, which will affect all the Titles* ſince *derived from thoſe* Succeſſors. *It is thought to affect the* Right *of all who have*

ſucceeded

ſucceeded them in the ſame Sees, *who* deriving *their* Right *from the* firſt Succeſſors *then, have no* better Right *than* they *had from whom they derived all they pretend to have, and therefore can have none, if the others had* none *to* give *them. Nor is it thought only to affect* them, *but all thoſe* other Biſhops *alſo, who have been ſince* Conſecrated *into* other Sees *by thoſe who, being themſelves* no Biſhops, *could no more* Conſecrate Biſhops *into* other Sees, *than keep up a* Succeſſion *in their* own. *Either therefore we muſt allow the* validity *of that firſt* Lay Deprivation, *or we cannot (in our Adverſaries Opinion) defend any* Right *in our preſent* deprived Fathers. *For if* they *have any, our Adverſaries think it muſt be founded on the* validity *of that* Lay Deprivation *of the* Popiſh Biſhops, *which could not otherwiſe* legitimate *the* Title *of their* firſt Predeceſſors *of the* Reformation. *For unleſs this* Act *of the* State *was entirely* valid, *they think* their Title *muſt fall to the ground. And if a* Lay Deprivation *could* vacate *Sees for the* firſt Predeceſſors *of our Fathers* now *concerned*; *our Adverſaries think the like* Lay Deprivation *may* now *alſo vacate our* preſent Fathers *Sees ſo as to legitimate* Succeſſors *in them. But if we ſhould, upon that ſuppoſed* Invalidity *of the* Lay Deprivation *of the* Popiſh Biſhops, *make the firſt* Proteſtant Biſhops *in the* ſame *Sees uncapable of* receiving *the* Epiſcopal Power; *then they think we cannot aſſert our* deprived Fathers *ever to have had any* Right, *even before the* Deprivation. *And then it will be of no conſequence whether this* Lay Deprivation *be valid or not. We cannot, in that Caſe, (as they think) pretend any* Right *our Fathers can have* now, *though the* Lay Deprivation *had been as* invalid *as we conceive it to be.*

§ XXVIII. *I need not here inſiſt on the* Royal Commiſſions *taken out by Biſhop* Bonner, *and as many as followed his* Example, *for their* Spiritual Power, *in the licentious* Stile *of Archbiſhop* Cranmer. *Yet theſe will afford a ſufficient reaſon for the* validity *of the* Lay Deprivations *of as many as concerned*

The *Lay Deprivations* of thoſe *Popiſh Biſhops*, who took out *Lay Commiſſions* for their *Epiſcopal Power*, does not, by any juſt *conſequence* affect our *preſent Caſe.*

cerned themſelves in ſuch Commiſſions, which notwithſtanding will not be applicable to the Caſe of our Fathers now. For by taking theſe Commiſſions from the King, they might in Law be ſuppoſed to have renounced the better Title they had to their Spirituals from Chriſt and his Apoſtles. If this be true, they could thence-forward have no more Power than what the Lay Magiſtrate could confer upon them. Either therefore they did really receive Power from the Magiſtrate, or they received none. If they did receive Power from him; then, no doubt, what Power he could give them, of that he was able, by the ſame Right, to deprive them. If they received none, all that can be gathered from the Invalidity of the Lay Deprivation, is only, that it muſt leave them in the ſame Right in which it found them. If therefore they had no Power before the Lay Deprivation, it is no matter whether the Lay Deprivation were valid or not. As they loſt no Power by an Invalid Deprivation, ſo neither, to be ſure, could they gain any by it. Having none before, they had none to be deprived of, and therefore could have none that could oblige the Conſciences of Subjects to ſtand by them againſt even an Invalid Deprivation. But this cannot be pretended to be our preſent Fathers Caſe. They have not, God be prais'd, betrayed their better Title to their Spirituals, by taking out a Commiſſion from a Power which had no Right to give them. Nor did they receive their Power in Spirituals at firſt from any Donation of the Civil Magiſtrate. That is an Opinion antiquated now, and not likely to have been the ſenſe of thoſe Biſhops from whom they received their Conſecration. Nor is it likely that our Succeſſion depends on any who had, even then, betrayed his Spiritual Rights by taking out Lay Commiſſions. Archbiſhop Cranmer did not live to the Conſecrations of Queen Elizabeth's time. And Biſhop Bonner had nothing to do with them. Nor do any, who were concerned in the Conſecration of our firſt Proteſtant Biſhops, appear in the Catalogue of thoſe who took out the like Commiſſions in King Henry the VIIIths time; as we may learn from the Collections of Dr. Yale, mention'd by

Anthony

Anthony Harmer. *The* Act *of* Council *in the beginning of King* Edward *the VI. concerned such especially as were least* truſted, *as appears by the King's own* Paper. *These were the* Popiſh *Biſhops rather than the* Proteſtants. *And the* Act *of* Parliament *made for it in the later* end *of the ſame* year *may be capable of the like Interpretation. The* King *had* then *more liberty in the* execution, *even of* Acts *of* Parliament *than ordinary. Nor is it probable that any of thoſe who perſwaded Queen* Elizabeth *to let alone the* Title *of* Head, *and to moderate the* Supremacy *it ſelf, would take out ſuch* Commiſſions. *They ſeem generally to have been the* Popiſh Biſhops *who were guilty of it. I mean thoſe of King* Henry's *Faction. Thoſe therefore might be* deprived, *and their* Sees vacated *by* Lay Deprivations, *and their* Proteſtant Succeſſors *entituled to them, without any* Conſequence *that can be drawn thence to the* prejudice *of our* preſent Fathers, *or in* favour *of our* preſent Lay Deprivations.

Vid. Specimen a-gainſt Biſhop *Burnet p.* 52, 53.

§ XXIX. *BUT we* need *not, as I ſaid, inſiſt on this. Yet for* driving away, *I have already acknowledged the* Magiſtrates Right *to* external force *ſufficient. And that was all that was* requiſite *in the Caſe of the* Popiſh Biſhops. *They were then notoriouſly of* another Communion *different from that of the* Proteſtants. *They had burnt the* Proteſtants *as* Hereticks, *and* condemned *their* Doctrine *as* Heretical, *and impoſed on them forms of* reception *and* reconciliation *to their own* Communion, *as perfectly diſtinct from the* Communion *wherein they had been* before. *So alſo on the other ſide, the* Proteſtants *behaved themſelves as a* diſtinct Communion. *They refuſed their* Maſſes *and* Confeſſions, *and lived in open defiance of the* Popiſh Biſhops *and* Canons, *and this by* Principles. *Many of them ſuffered* Martyrdom *for their avowed* diſobedience, *which they cou'd not have juſtify'd, if they had been of the* ſame Communion. *So clear it was that, even in Queen* Mary's *days, each* Party *looked on the* other *as a* different Communion. *This being ſo, it plainly appeared that the* Proteſtants *did not*

The *Popiſh Biſhops* were of *another Communion.* And therefore *needed* no other Deprivation than that of the *Lay Magiſtrate.*

own

own *the* Popiſh Biſhops *as* Biſhops *of their* own Communion. *Suppoſe we therefore that the* Lay Deprivation *as proceeding from the* Lay Power *only, was as* invalid *and* null, *with regard to* Conſcience, *as our* Principles *ſuppoſe it to be; All that will follow thence will only be, that, with regard to* Conſcience, *they were* ſtill *as much* Biſhops *as they were* before, *that is, they were ſtill to be* owned *for* Biſhops *by them who had* owned *them* formerly, *that is, that* ſtill *they were to be* owned *for* Biſhops *by them who profeſſed themſelves of the* Popiſh Communion. *But then as the* Lay Deprivation *took no* Spiritual Right *from them which they had* before; *ſo neither could it* give *them any* Right *in* Conſcience, *which* before *they had* not. *As therefore they were not* Biſhops *of the* Proteſtant Communion *before the* Deprivation, *ſo neither were they after it, and therefore could not challenge any* Duty *as owing them from* Proteſtants, *with regard to* Conſcience. *The* Proteſtants *therefore owing them no* Duty *in* Conſcience, *their* Sees *were already, before the* Deprivation, *vacant in* Conſcience, *with reſpect to the* Proteſtants; *who might therefore, without danger of* Schiſm, *ſet up* other Biſhops *of their* own Communion *in oppoſition to them, as ſoon as they could do it, at leaſt as ſoon as the* Magiſtrate *would* protect *the* Biſhops *ſubſtituted into their* Sees. *All therefore that was requiſite for the* ſubſtitution *of* Proteſtant Biſhops, *was the* diſpoſſeſſing *of the* Popiſh Biſhops *by* force; *for which the* Lay Magiſtrate *who had the* Right *of* forcing *was ſufficiently furniſhed. That was exactly the Caſe of the* expulſion *of* Paulus Samoſatenus *by the Emperor* Aurelian. Samoſatenus *had before that been* deprived *of his* Spiritual Epiſcopal Rights *by the* Synods *which had condemned and* depoſed *him. Only, by the favour of* Zenobia, *who had then the poſſeſſion of* Antioch, *he ſtill kept* poſſeſſion *of the* Epiſcopal Palace, *till the* Emperor *was prevailed on to interpoſe his own* Secular Authority *in* diſpoſſeſſing *him of the* Houſe *which belonged to his* Epiſcopal Office. *So it was* requiſite, *and very* proper *for Queen* Elizabeth *to make uſe of her*

Secular

Secular Power *for a* Legal Diſpoſſeſſion *of the* Popiſh Biſhops *of the* Temporals *annexed to their* Spiritual Office. *This, no doubt, ſhe had a* Right *to do as a* Lay Princeſs. *And the* Effect *of this* Deprivation *was, that, whatever they might ſtill pretend, as to* Conſcience, *they ſhould notwithſtanding be no more taken for* Legal Biſhops, *who ſhould be intitled to the* Honours, *and* Priviledges, *and* Revenues *annexed by the* Secular Laws *to the* Spiritual Function. *And for this the* Queen's Deprivation *was every way competent. The* Effect, *was a* Deprivation *only of their* Temporals, *things properly belonging to the diſpoſal of the* Temporal Prince. *The* Cauſe, *was alſo a* Temporal Crime *properly belonging to her* Juriſdiction, *their* refuſing *the* Duty *they owed her for maintaining her* Temporal Juriſdiction *over* Spiritual Perſons. *Yet this* Lay Deprivation *was* neceſſary *for making the* Proteſtant Biſhops Legal Biſhops, *and to* intitle *them, as* ſuch, *to the enjoyment of the* Temporalties *by the* Laws *annexed to their* Spirituals. *A* Legal vacancy *of the* Sees *was as* neceſſary *to make way for a* Legal Succeſſor, *as a* vacancy *in* Conſcience *was for a* Succeſſor *with regard to* Conſcience. *And the* Magiſtrate *has a* Right *to make a* Legal vacancy, *though he has none to make one with regard to* Conſcience, *nor to* diſcharge *the* Spiritual Subjects *from that* Duty *to which they are obliged in* Conſcience. *And this has been always the* Practiſe *of the* Catholick Church. *Biſhops of* another Communion, *notoriouſly and profeſſedly ſo, were never thought to* fill Sees, *or to need* Canonical Deprivations. *The* Catholicks *in* Conſtantinople *and* Antioch *never ſcrupled the ſubſtituting a* Catholick Succeſſor, *whenſoever the* Catholick Biſhop *deceaſed, though there was at the* ſame time *another* Heretical Biſhop, *and in* Conſtantinople *a* Novatian *Biſhop alſo, in the* ſame See. *Nor did they, nor the* Catholick Emperors, *concern themſelves for the* Synodical Deprivation *of* Heretical *or* Schiſmatical Biſhops *after the* Hereſie *and* Schiſm *had formed a difference in* Communion. *Nor did they think the ſubſtituting* other Biſhops, *in ſuch* Sees, *without a previous* Synodical Depoſition *of the* Heretical *or* Schiſmatical Incumbent, *to be liable to the*

 charge

charge of Schiſm, *as it would have been in Caſe the* Incumbents *had been* Biſhops *of the* ſame Communion. *For the* Popiſh Biſhops *therefore, the* Lay Deprivation *alone was ſufficient, there being, on account of their* difference *of* Communion, *no* Duty *owing to them from the* Proteſtant Subjects *of thoſe* Dioceſes, *even* Antecedently *to the* Deprivation. *But this cannot be pretended to be the Caſe of our preſent* Deprived Fathers. *Our Adverſaries themſelves have acknowledged them for* Biſhops *of the ſame* Proteſtant Communion *with themſelves. If therefore the* Lay Deprivation *prove* Invalid, *they cannot excuſe themſelves from the ſame* Duties *which* oblige *them* ſtill, *with regard to* Conſcience.

This Doctrine agreeable exactly to the *Senſe* and *Practiſe* of *Antiquity.*

§ XXX. *THIS Anſwer will abundantly clear the* diſparity *between our* preſent *Lay Deprivation, and that of the* Popiſh Biſhops *in the* beginning *of the* Reformation. *And we may the more ſecurely* rely *on it, becauſe it depends on no* private opinions *of* ours *firſt thought of* now, *and fitted to our* preſent Caſe; *but proceeds, as the reſt of our* Reaſonings *in* this affair *generally do, on the* Senſe *and* Practiſe *of unqueſtionable* Antiquity. *A* new Schiſm *indeed, or a* new Hereſie, *I confeſs, was allowed a* Synodical Hearing. *And there was* reaſon *for it, becauſe it might well be ſuppoſed not* yet *ſufficiently* manifeſt *whether* Hereſie *or* Schiſm *was* indeed *concerned in the Caſe; or (at leaſt)* whether *of the* two *Parties, between whom the Diſpute was raiſed, was* guilty *of the* Charge. *But when the Caſe was once* adjudged, *and the* difference *of* Communion *(which muſt neceſſarily follow on the* pertinaciouſneſs *of the* Criminals) *was* once formed; *then the* Church *never troubled her ſelf to inflict* new Cenſures *on every* new Inſtance *of the* ſame Caſe. *And there was* reaſon *for it. From the* time *that they conſtituted a* diſtinct Communion, *ſhe reckoned them* without, *and with ſuch St.* Paul *himſelf denies her to have any* thing to do. *And it is plain that all the Church's* Canons *are only for maintaining a* Correſpondence *between the ſeveral* Juriſdictions *of the* ſame Communion, *that they may not interfere among themſelves. This is the reaſon why* one Biſhop *muſt be deprived before* another *can be* Canonically *introduced, becauſe till the* firſt *be*

depoſed,

deposed, *the* Duty *of the* Subjects *of that* Jurisdiction *belongs to* him, *and cannot without* Schism *be paid to any* besides him. *But* Duty *was never thought owing, unless in the* same Subordination, *which cannot be but in the* same Body, *and in the* same Communion. *Where therefore there is no* Duty *in* Spirituals *owing to any* other, *there it can be no* undutifulness *to set up a new* Spiritual Body *with a new* Spiritual Jurisdiction, *any more than in a Case of a* waft. *To be sure it can be no* Schism *where there is no* common Body *that can be said to be* divided *by it, and where there is but* one *only* Government *to which the* Obedience *of the* Subjects *can be pretended in* Conscience *due. What* need *therefore can there be of a* Spiritual Deprivation *where nothing is already* due? *Indeed what can they* deprive *him of, who has no* Power *which can* intitle *him to the* Duty *of the* Catholick Subjects *of his* Jurisdiction? *What such a* Heretical *or* Schismatical *Bishop may pretend over the* Consciences *of his own* Heretical *or* Schismatical *Communicants, is not the* Catholick Church's *Interest or Duty to intermeddle in. So in the many* Sees *of* Africa, *wherein it appears, by the* Conference *at* Carthage, *that there were* Catholick *and* Donatist *Bishops, the* Catholicks *took no more notice of the* Donatist *Incumbents whenever a* Predecessor *failed, than the* Donatists *did of the* Catholick *Bishops of the* same Sees. *It was* Peace *and* Reunion *that was designed in the Proposals that were made for* discontinuing *the like* distinction *of* Successions *for the* future. *The like was the Case of the many* Arian *Bishops in the time of* Constantius *and downwards. Where there were* no *Bishops but* such, *the* Catholicks *acted as if there were* no *Bishops at* all. *They expected no sentence of* Deprivation *against* them, *yet acted in the mean time what they could not have justified without such a* sentence *if it had been* necessary. Lucifer Calaritanus *a* Western *Bishop had no* Jurisdiction *at* Antioch. *Yet finding no* other *Bishop there but such as he judged* Arian, *if not in* Opinion, *yet at least in* Communion, *as having been* Consecrated *by those of the* Arian Communion, *he took upon him to substitute* another *and to assist at his* Consecration, *as a* Catholick Bishop *may do where there is* no *Bishop at all. I am not now concerned how rightly he judged so, who afterwards did*

drive

things to extreams *in his zeal againſt that* Hereſie. *However that* Example *ſhews how far his* Catholick Principles *would have warranted him to have proceeded, in Caſe the* Incumbent *had been as* bad *as* he *ſuppoſed him to be.*

If the *Popiſh* Biſhops had had a *better Title*, yet that could not have *illegitimated Succeſſors* any longer than their *own Lives.*

§. XXXI. YET *beſides this, I may add further, that ſuppoſe the* Popiſh *Biſhops, on account of the* Invalidity *of their* Lay Deprivations, *retained a* Right *in* Conſcience *over the* Proteſtants *themſelves; yet it will not thence follow that the* error, *if any had been, in* that Age, *could affect the Titles of our preſent* Biſhops. *It might indeed have made the firſt Proteſtant Biſhops* Schiſmaticks, *if they had been immediately before of the* ſame Communion. *But this could laſt no longer than the Perſons* lived *who were* injured *by the Subſtitution. So long as they* lived *the* Duty *had been* owing *to thoſe who had been* Invalidly deprived; *and therefore could not have been* paid *to their ſubſtituted* Rivals *without* Schiſm. *After their* deceaſe *this reaſon perfectly failed. The* Duty *to* them *had been extinguiſhed with their* Lives. *So that thence forward their* Succeſſors *were* alone. *Then, there could be no pretence of* Injury *to their* Predeceſſors *when their* Title *to* Duty *was at an* end. *Nor could there be any danger of* Schiſm, *when the* Duty *was payable only to* one *who had no* Rival *in his Claim to it. And in that Caſe, the* Intereſt *of* Mankind *in* general (*which is an Argument of* Right) *has always allowed the* Title *of the* Poſſeſſor, *where there is none other* living *who can pretend a* better Title. *Nor have they ever ſtood upon new* Solemnities *of* inveſting *them with the* ſame honours *they had* before, *when, upon the* death *of their* Predeceſſors, *they who before had an* ill Title, *were judged to have a* good claim *afterwards to the* Duty *and* Obedience *of the* Subjects. *The tacit* conſent *of all Perſons, whether* Subjects *or* others, *concern'd in the* Election *or* Inveſtiture, *and by conſequence in* Legitimating *the* Title, *was thought ſufficient to* give *thoſe a* good Title *from that* time *forward who had* none *before. As therefore* Kings, *who had at* firſt *an* ill *Title whilſt thoſe who had a* better *were living, have continued their* old *Poſſeſſion, (which from* that time *was not thought* doubtfull) *without any new* Coronation, *or* Inthronization; *ſo* Biſhops, *who were at firſt* Conſecrated *in* Schiſm,

whilſt

whilst those *were living who had a* better Title, *might notwithstanding* continue *their* old Possession, *upon their Predecessors* death, *upon a more unquestionable* Right, *without a new* Consecration. *For those* Episcopal Orders *which had been given them in* Schism, *but had been given them by* true Bishops *sufficiently* Authorized *to* give *them, though they might be* Nullities *at* first, *whilst the* Person *ordained was* incapable *of* receiving *them, that is whilst he was ordained into an Office already* full, *and whereof there could be but* one *at* one time; *might yet in process of time* recover *their full* force, *as soon as the* incapacity *was removed which had* invalidated *their* first *collation: That is, as soon as the* See *which was before* full, *became* vacant, *and thereby* capable *of receiving a* Successor. *Especially when not only the* Impediment *is* removed, *but the* first Right *is* ratified *by all that are concerned in it; not only by the unanimous reception of the* Subjects *of the* Jurisdiction, *now no longer* divided, *but* united *among themselves, by this* unanimous *reception; but also by the* Episcopal College *ratifying his* Acts *of* Communion *and* Excommunication. *When this is the Case, I know not what a new Solemnity of* Consecration *can* add *to such a* Bishop *beyond what he is possessed of already. His being* unanimously receiv'd, *makes him already a* Principle *of* Unity, *when none can partake of the* Unity *of the* Body, *who is not* united *to* him. *And his* ratification *by the* Episcopal College *(at least by as many of them as, in this* divided *State of Christendom, profess the same* Faith, *and pretend to a correspondence in* Communion*) must make his* Communion *as much* Catholick *as it can be in our* present *Circumstances. For that would make the Case such that none who lived within his* Jurisdiction *could expect to be received to* Communion *by the rest of the* Episcopal College *without his* Communicatory Letters, *and that with his* Communicatory Letters *they* might. *The Consequence of these things must be that his* Acts *of* Communion *and* Excommunication *must both the* Catholick, *at least as far as the* Correspondence *reaches; and that all that are of his* Jurisdiction *must be obliged to maintain* Communion *with* him *under pain (if they should do otherwise) of being* excluded *from the* Catholick Church. *And then who can doubt but that* GOD *will own them for his* Peculiar People, *and* CHRIST *will own them for his* Members, *whom the* Body *of their* Authorized Representatives *do* judge *to*

be

be ſo? For GOD *has Authorized them for this purpoſe, that in things relating to the external* Diſcipline *of the* viſible Body, *(it not being uſual for him to interpoſe immediately)* their *Judgment may be taken for* his. *For this is the meaning of his ratifying in* Heaven *what is by them performed on* Earth, *of his giving them the Power of the* Keys, *and his* binding *and* looſing in Heaven *anſwerably to their* binding *and* looſing in Earth, *that he will* admit *into his* Myſtical Body *thoſe whom they* admit *into his* viſible Body, *and* exclude *from the* Myſtical Unity *thoſe whom they* exclude *from that which is* viſible. *This being true concerning* particular Biſhops, *may be much more ſecurely relyed on in the Caſe of the* Epiſcopal College. *That the* Body *which is* owned *by them* all, *will be* owned *by* Chriſt *for his* Myſtical Body. *Thus it appears that the* Communion *of ſuch a* Biſhop *owned, without a Rival, by the* Epiſcopal College, *muſt, on that account, be owned for* Catholick. *He has therefore all already that they could give him by a repeated* Conſecration. *And being alſo* known *and* owned *to have it, and to have it by their* conſent; *their* Conſecration *after this can be no more neceſſary than it was for St.* Peter *to lay his* hands *on* Cornelius *in order to the giving him the* Holy Ghoſt, *when he was otherwiſe well aſſured, by external* Manifeſtations, *that* Cornelius *had* received *the* Holy Ghoſt *already. It is indeed only the* Epiſcopal College *that gives any* particular Biſhop *the* Right *of having his cenſures* ratified *over all the* Catholick Church. *And the* two *or* three Biſhops *requiſite for* Conſecrations *can do it no otherwiſe than as, by the* Roman *Laws, the* two *or* three *repreſented the whole* College, *and as the whole* College *had* obliged *themſelves to ratifie what ſhould be tranſacted by ſo ſmall a number appointed to* repreſent *their* abſent *Brethren alſo in the* Solemnity. *This is plainly the Senſe of the firſt and moſt famous General Council of* Nice. *They require to the making of every new Biſhop the* conſent *of* all *the* Biſhops *of the* Province; *and only allow that* two *or* three *ſhall repreſent them in the* Conſecration, *when they have the* conſent *of the* Metropolitan, *and when no more can conveniently be preſent. Thus it appears that the* conſent *of the* Epiſcopal College *was that which was principally regarded in conveying the* Epiſcopal Power. *I might alſo have ſhewn that the* Senſe *of the* College *was allowed the ſame force, however it*

was

was ſignified, whether in Synods, *or* Separately *and* Extrajudicially. *The greateſt part by far of the* 300 Biſhops *mentioned by* Athanaſius *in favour of himſelf were ſuch as were* not *at the* Sardican *Council, but who had given him their ſuffrages by* ſeparate *Subſcriptions. By all which it appears, that the* Invalidity, *if any had been, in the* Deprivation *of the Popiſh* Biſhops *cannot affect our Succeſſion* now, *ſo long after the* deceaſe *of the injured* Perſons, *though we had not had the other exception already inſiſted on, of our being, even* then, *different* Communions.

§ XXXII. *I grant indeed, upon that Suppoſition, it had been in the* Power *of the* Popiſh Biſhops *to have* perpetuated *the* Invalidity *of our* Succeſſion, *if themſelves had pleaſed. That might have been by keeping up a* Succeſſion *down to* our times *of their own, which, on that* Suppoſition, *had been the* better *Title. For by the ſame* reaſon *as the* Title *of their* firſt Perſons *in* their *Succeſſion had been* better *than the* Title *of the* firſt *in* our *Succeſſion*; *their* whole Succeſſion *alſo, which had been nothing but a propagation of that* ſame *firſt* better *Title, had been* better *than* ours, *which had been alſo a like continuation of the* ſame *Title which originally had been the* worſe *of the two. And therefore, as the confeſſedly* better Title *in the* firſt Perſons *in* their Succeſſion *had made the* firſt Perſons *in* our Succeſſion *Schiſmaticks*; *by the ſame* reaſon *the* better Title *of their* whole Succeſſion *had alſo made our* whole Succeſſion *Schiſmatical. But ſince they have let* fall *their* Succeſſion, *and left* our Biſhops, *without any Rivals, in the* ſole *poſſeſſion of their reſpective* Juriſdictions; *the ſame* Reaſoning *which, upon ſuppoſition that we had been of one* Faith *and one* Communion, *would have been favourable to* them *in the Caſe now mentioned, will proceed againſt them as ſtrongly* now. *Since* our Biſhops *have been left in the* ſole *poſſeſſion of the* Dioceſane Juriſdictions, *their endeavours to keep up a* diſtinct Communion, *and ſometimes to* ſet up *diſtinct* Biſhops *in the* ſame Dioceſes *fairly and Canonically prepoſſeſſed by* our Biſhops, *muſt make the* Schiſm, *and the erection of* Altar *againſt* Altar, *imputable to them, by the Principles now mention'd. For* theirs *muſt be the* Biſhops *which are* Conſecrated *into* full Sees. Theirs *therefore, in the Reaſoning of St.* Cyprian's *Age, muſt be* foras; *muſt be* alieni; *muſt be not* ſecundi, *but* nulli. *And therefore the* Communion *which has ſince owned them muſt be* divided *from the true* peculiar

If the *Popiſh Biſhops* then had the *better Title*; yet their *diſcontinuance* of their *Succeſſion* has made their *Title worſe* now.

Present *Settlements* give *Right* where no *better Right* is *injured* by them.

liar People, *and from all ſolid Claim to the* Priviledges *of that* People.

§ XXXIII. *BUT to return from whence I digreſſed, to the Caſe of our* Proteſtant Biſhops; *true* Antiquity *was ſo far from allowing* defects *in* Originals *to invalidate* Succeſſions *at ſuch a* diſtance *as* ours *is from the beginning of the* Reformation; *that they thought it not only moſt* prudent, *but moſt* juſt, *to* ſilence *ſuch Diſputes when the Perſons* injured *were* deceaſed, *and their* Right *extinguiſhed with* them, *having left no* Succeſſion *behind them that might* perpetuate *their firſt Original* Right. *In this Caſe they thought the* Poſſeſſion *it ſelf a ſufficient Title to* Right *where there was none* out *of* Poſſeſſion *that could pretend* a better Right. *And that ſo as to look on it as* juſt *before* GOD, *and as* obliging *the* Conſciences *of the* Subjects *who had it in their* Power *to rebell, not to do ſo. This ſeems to be the ground of allowing* Preſcription *by the* Law *of* Nations *ſufficient to make a Cauſe* juſt *that had* not *been ſo otherwiſe. It is indeed the* Intereſt *of* Mankind *in* general *(which ſeems to have been the* ground *of this* Law *of* Nations) *that all* Controverſies *ſhould at length have an* end. *And it is agreeable to the ſame* Intereſt *that proceſs of* time, *and ſuch a* peaceable Poſſeſſion *as has no* Rival *that has* a better Right, *ſhould be allowed as an Expedient for* ending *Controverſies concerning* Right, *and therefore for* determining *the* Right *it ſelf. The* Miſchief *to the* Publick *in diſturbing a* preſent Poſſeſſion, *is more than can be recompenſed by a* Right *that is no* more *than* equal *to that which has* Poſſeſſion *already. And there is no* Succeſſion *in the World but, in a Revolution of many* Ages, *has ſome* unjuſtifiable *turns which muſt make its* preſent Settlement *litigious, if ſuch* diſtant Injuries *muſt be allowed, on* equal *terms, to do ſo. This therefore makes it the* common Intereſt *to allow* Preſcription *on ſuch terms, for a determination of* Right. *And there is reaſon to believe that* GOD *who, as* Governour *of the World, is determined by the* Publick Intereſt *will* judge *it ſo, and* puniſh *ſuch as violate it, accordingly. Nor is there any thing in the Nature of* Eccleſiaſtical Government, *as it is a* Government *of* external Bodies, *and managed by* Men *of the like* infirmities *with thoſe who are engaged in the* Civil Government, *that can ſecure it againſt the like* Violences *of ambitious and unreaſonable Men who will judge too partially in their own Caſe.*

But

But it is no way probable that GOD *will make any* Souls, *but their own, Reſponſible for ſuch conſequences as are by* others *unavoidable. Yet ſuch* violences *upon the* Government *may ſometimes make a* Breach *in the due* Succeſſion, *and affect the* direct *conveyances of that* Authority *from* GOD, *which is requiſite for giving a Title to thoſe* Spiritual benefits *to* Souls, *which are the great deſigns of* Eccleſiaſtical Communion. *When therefore this falls out to be the Caſe, there will be reaſon to believe that* GOD, *who judges himſelf as much* obliged *by the* equity *of his* Covenants, *as* Men *uſually think themſelves obliged by the* letter *of theirs, will perform what his* Covenant *would in* Equity *oblige him to perform, notwithſtanding any* failings *on* Mans *ſide, which, by the common* Nature *of ſuch a* viſible Body *as he has been pleaſed to conſtitute in his* Church, *are unavoidable to truly diligent and Pious* Communicants. *For this being a* neceſſity *of his* own *making, in* Conſtituting *his* Church *ſuch a* Body, *when he might have made it otherwiſe; his* equity *is more concerned to provide for the* conſequences *of it. And there is reaſon to believe that he has done it the* ſame way *as he has done in other* viſible Bodies *of the like* conſtitution. *As therefore by confirming* preſent ſettlements *where no* better claim *is in view,* GOD, *by the* Law *of* Nations, *has taken care for the* Bodies *of* Subjects *in* Secular Societies, *that they may not miſcarry by* ignorance *of the* duty *juſtly expected from them in the* ſtation *wherein he has placed them; So there is reaſon to believe that he has not taken* leſs care *for the* more valuable *Intereſt of their* Souls, *that they may not fail of the* Favours *deſigned for* them, *by a* neceſſity *of his* own *contrivance, and by* them *perfectly* unavoidable. *And ſeeing he has warned us of no other, 'tis highly reaſonable to preſume he has Secur'd the* validity *of his* conveyances *by the* Spiritual, *the* ſame *way he has done in the* Secular Government, *by* ratifying *the* preſent Conſtitution *when it is not* injurious *to a better*

 Title,

Title, *notwithſtanding any faileurs* unknown *and* unavoidable *by the* Subjects, *on account of the* ſtation *which he has given them in it.*

This is proved from the *Donatiſt* and *Luciferian* Diſputes.

§ XXXIV. *ACCORDINGLT it was Obſervable, that even the two great* Factions *of the* Donatiſts (*whoſe whole* Schiſm *was grounded upon an Extravagant Zeal for* Diſcipline) *when they charged each other* (*as it ſhould ſeem very truly*) *with being* Traditors; *both of them being equally guilty, they agreed to let the Controverſy* fall, *and refer it to* GOD, *without ingaging in any farther* Schiſm *upon it. Tet the* Delivering up *their* Bibles *to be* Burnt *was* (*in their opinion at leaſt*) *ſuch an Act of* Communion *with the* Devil, *as had made the Perſons who had* really *been guilty of it,* uncapable, *not only of* Epiſcopal, *but alſo even of* Lay-Communion; *which* incapacity, *had it been* proved, *might have made all their following* Epiſcopal *Acts queſtionable, and juſtifyed* Schiſms *in oppoſition to them, by the ſame Principles by which both thoſe* Factions *Defended their common* Schiſm *againſt the* Catholick Church, *for the pretended* Traditions *of* Cæcilian *and* Felix. *And in this caſe theſe early* Schiſmaticks *are the more to be regarded, becauſe the* Catholicks *agreed with them in it, that ſuch Caſes being left to* GOD, *would not* (*though the* Facts *had proved* true) *prejudice the conſequent* Authority *and* Communion *with* GOD, *when no* injury *was done, nor any* Schiſm *formed upon it. So far they were of their minds in this particular, that it is the profeſſed Subject of thoſe who wrote againſt them, that ſuch* Perſonal crimes *as theſe which, if debated between Perſons might have given* one Perſon *the advantage over* another, *could not involve* Poſterity *in the ſame guilt when there was no* injury *committed by it. So far, I ſay, they were of their mind in* this *particular, that they turn their Practice in* this Caſe *into an Argument againſt* themſelves, *as a profeſſed* condemnation *of thoſe* Principles *on which* themſelves *proceeded*

Opt. *Milev.* cont. *Parmenian.* L. 1.

ceeded in dividing *from the* Catholick Church. *Not much unlike this was the Caſe that occaſioned the* Schiſm *of the* Luciferians. *The reaſon why they alſo were ſo very ſevere in diſowning the* Communion *of ſo many* Catholick *Biſhops, was that they thought them guilty, tho' not of the* Arian Opinion, *yet of the* Arian Communion. *For the Queſtion with many of thoſe who oppoſed* Athanaſius, *did only concern* Communion. Arius *and* Euzoius *had, under* Conſtantine *the Great, made a pretended* Recantation *of their* Hæreſy, *and were thereupon* received *into* Communion *by* Euſebius *of* Nicomedia *and his Party. This made that* Party *another* Communion, *though the* Recantation *had been ſincere, till the Biſhop of* Alexandria *for the time being, had* firſt *received them, becauſe they were both of them Originally of the Juriſdiction of* Alexandria, *and had been* excommunicated *for their* Hereſie *by their* Ordinary *the Biſhop of* Alexandria, *who then was* Alexander. *For the rules of* Eccleſiaſtical Commerce *then obſerved were, that no* Biſhop *could admit a Subject of* another Biſhop *to his* Communion, *without the* Communicatory Letters *of his* Ordinary *to whoſe* Juriſdiction *he belonged: If he did, he thereby broke the Rules of* Commerce, *and thereby cut* himſelf *off from the* Body *of the* Epiſcopal College, *who could no longer maintain* Communion *with him, by giving* Communicatory Letters to *him, or by receiving any* from *him. This was, in the Senſe of that Age, to cut himſelf from the* Catholick Communion, *and from the* Catholick Church, *becauſe the* Communicants *of ſuch a* Biſhop *would have* Communion refuſed *them over all the* Catholick Church. *Such a* Biſhops Letters *would not any where* elſe *intitle them to* Communion, *and his* Communicants *could not be received* without *them by the common rules of* Eccleſiaſtical Commerce. *There was alſo in this caſe ſomething peculiar to make the* Biſhop *of* Alexandria's Communion Catholick. *It had been* ratified *in the* General Council *of* Nice. *This made them who received thoſe* Alexandrian *Presbyters*

to Communion *without the consent of* Athanasius *their* Ordinary, *guilty of rescinding their* own Act, *as well as of the* rule *of the general* Ecclesiastical Commerce. *However, because they were received upon a pretended* Recantation *of their* Heresy, *this involved many who were otherwise* Orthodox *in their* Doctrine, *that they also were engaged in the* Schism. *Especially those, who rather Scrupled the* Uncripturalness *of the word* ὁμοιος *than the sense of the* Catholick Church *in useing it. For* ὅμοιος κατὰ πάντα *was thought* Equivalent *with the* Catholick notion *of* ὁμοούσιος. *And when they enumerated the* particulars *included in the Phrase* κατὰ πάντα, *they* were κατ' ἐνέργειαν *and* κατὰ φύσιν *or* κατ' οὐσίαν. *And accordingly they used the word* ὁμοίουσιος, *by which, and the forementioned expressions, they might very well mean a* Son *by* Nature *and by* Univocal Generation, *not only a* Factitious Son *and by* Adoption, *which seemed to be the most that was admitted by the first and most* truly Heretical Arians. *This appears from the several* Creeds *of those times. And though the true* Arians *had insidious* meanings *under those plausible terms, as* Athanasius *and* Hilary *shew; yet many of those who, by that untanonical* reception *of those dissembling* Hereticks, *were engaged in the* Heretical Communion, *had meanings also sufficiently reconcilable with the* design *of the* Church *in the Censures of* Alexander *ratified by the* Nicene *Council, for* condemning *the Original* Doctrine *of those two* Hereticks. *I say the* Original Doctrine, *as it had been taught by them when they* began *their disturbances: for we are to observe, that they did not seem to stand by their* first Prevarications. Arius *himself was looked on as an* Apostate *from his own* Heresy *by* Aetius *and* Eunomius; *so* capable *the Terms he used afterwards were of an* Orthodox *meaning.* Ὅμοιος κατ' οὐσίαν *is allowed by the* Catholicks *themselves who were more intent on the* sense *than the word* ὁμοίουσιος, *as signifying an* Univocal *natural* Son. *So, I am sure,* Artemidorus *expresses it. Speaking of one who dreams of his being Born, he says:* τῷ ἔχοντι ἔγκυον γυναῖκα, σημαίνει παῖδα αὐτῷ γεννήσειν Ὅμοιον κατὰ πάντα. *For*

Artem. Oneir. L. 1. c. 14

Ὅμοιος.

ὁμοιος κατὰ πάντα *includes* ὁμοιον *in the* first *and* principal *place. And this* Heathen *Author, who lived* before *those Disputes, is a very competent witness, how that Expression was used commonly* then, *when there could be no design on the* Dispute *that was raised* afterwards. Lucifer *therefore taking all for* Arians *who had been any way engaged in the* Arian Communion, *comprehended under that name a great number of those who were notwithstanding very* Orthodox *in their* Doctrine. *He took in those who* Communicated *with* Arius *and* Euzoius, *rather as* Penitents *than as believing* rightly. *He took in also all those who had been any way engaged in any Act of* Communion *with such as* those *were, who had never been, in their own* Judgment, *otherwise than* Orthodox. *He took in not only those who* joyned *with them, not only in condemning* Athanasius, *but all who had received any* Orders *from* them, *(that was the Case of* Meletius *of* Antioch, *against whom he set up an* Anti-Bishop, *though* Meletius *was even* then *in* Exile *for his* Orthodoxy*) and all who had* Communicated *in any* Sacraments *administred by Persons so* Ordained. *This must indeed have included a great number in the* West, *where* Lucifer *was* Bishop, *where, though they were generally* Orthodox, *yet, since they had been reconciled to* Valens *and* Ursacius *on the belief of* ὁμοιον *(no doubt understood by those* VVestern Bishops *who received it in the Council of* Ariminum, *in a good sense,) there were very few remaining free from the Contagion of the* Arian Communion *on* some *of the terms now mentioned. So* Faustinus *and* Marcellinus *plainly suppose the Case to have been. They hardly excuse* Hilary *himself, hardly any but* Lucifer, *and (perhaps)* Eusebius Vercellensis. *Into so narrow a compass they contracted the* Catholick Communion, *even in the* VVest, *where notwithstanding the* Catholick Doctrine *was most* universally *received. In this regard it was that St.* Jerom *says that the whole* world admired *at it self for becoming* Arian. *This* Admiration *principally belongs to the Case of those who being Conscious to themselves of their being* Orthodox.

thodox *in* opinion, *might therefore the more juſtly* admire *at their being involved unawares in the Contagion of the* Arian Communion. *In this regard St.* Jerom *might well call* Hilary *the Deacon* (*who* then *continued the* Luciferian Schiſm). *a new* Deucalion, *in regard of the very ſmall number which had eſcaped the* Arian deluge *upon ſo ſevere a teſt as this was, of* Communion. *Yet it can't be denied that this* Contagion *of* Communion *was, in rigour, Sufficient to have made them who had been involved in it judged as members of the* Arian Communion, *till they had been* reconciled *as ſolemnly as they had* Apoſtatized. *And whilſt they were of* another Communion, *all their Acts of* Authority *were juſtly queſtionable, as to their* Validity *in another* Body *and* Communion *diſtinct from their* own. *For how could one* oppoſite Body *convey* Privileges *to, or act by* Juriſdiction *upon* another, *where there was no* Common Government *acknowledg'd, no* Legal Commerce *or* Subordination, *nothing but profeſſ'd and notorious* Hoſtility *betwixt them. And this, whatever our modern* Latitudinarians *may fancy, the* Catholick Church *has always taken to be the Caſe of* oppoſite Communions. *And the generality of the* Biſhops *being then involved in the* Arian Schiſm, (*though in the* Hereſy *they were no otherwiſe involved than as the* Schiſm *did, by* Interpretation, *make them liable to the charge of the* Hereſy *with which they* Communicated;) *there was no ſolemn* reconciliation *of them who were, by their* Office, *the Perſons to* whom *reconciliation ought Ordinarily to have been made. It was hard to expect it, when the* Biſhops, *who had eſcaped the Contagion, were ſo very* ſmall *a* number *in compariſon of thoſe who were involved in it. Yet theſe* Practices *muſt have occaſioned many real* Nullities, *if* GOD *had not been thought* obliged *in Equity to ſupply ſuch defects where no* injury *followed to any Perſon* living. *And the* Catholick Church, *when ſhe condemned the* Luciferians *for their* Schiſm, *on account of theſe* Auſterities, *and charged the* Guilt *of the* ſeparation *made on this account, on them*

Adv. *Luciferian.*

who

who made it; plainly ſuppoſed that this *was not a* Cauſe *ſufficient to* juſtify *a* Separation, *and therefore that ſuch* Nullities *in* rigour, *not in* equity, *did not in the leaſt affect the* next Generation, *when there was no* better *Title which might in juſtice oblige* GOD *to* ratify *it for the good of* Government, *and to oblige the whole* Society *to do* juſtice, *under pain, if they neglected it, of not having their Acts of* Spiritual Authority ratifyed *by him, without whoſe* Ratification *they muſt be* unavaylable. *'Tis true, there might be ſome reaſon for* ratifying *ſuch* Nullities *when the* Subjects *by joyning with the* better Title, *might ſecure their Intereſt in the* Peculiar People. *But ſhould* GOD *do it, when there is no other* Body *in which the* Subjects *may ſecure themſelves, it muſt only make the Subjects* deſperate. *It would tempt them to believe that* GOD *intended there ſhould no more* be *a* peculiar People *But how can that be reconciled with the* new Covenant's *being an* Everlaſting Covenant? *with its* Gifts *being without* Repentance? *with Gods* promiſe never *to withdraw his* mercies, *nor to ſuffer* his Truth to fail, *notwithſtanding whatſoever* Provocations *his* choſen People *might be guilty of? How much leſs can he do it for ſuch* faileurs *as he knows before to be* unavoidable *by* them? *And for this purpoſe Dr.* Hody's *Collection is full. And it ſeems indeed the* deſign *of the Author of it, only to ſhew, that the* Church *did not* unravel *Old diſputes when the* Perſons *were* dead *that were concerned in them, ſo as to make* Nullities *of all that had been done on the* faulty *ſide, after the* injury *was* ended, *and when things could not now be* remedied. *This was the caſe of St.* Chryſoſtom, *who diſſwaded his own Friends from ſuch extremities,* not *whilſt he was* living, *but after his* deceaſe. *This therefore was the fault of the* Joannites, *that they made* Nullities *of all that was done by his* Succeſſors *for ſo many years after his* death, *contrary to the good Council* himſelf *had given them. This was the fault of the* Arſenians, *that they alſo made* Nullities *of all that was done by the* Joſephians *for ſo many Years after the death of* Arſenius.

This

This therefore being the occaſion *of that Collection, will ſhew us the* deſign *of it. The Author had no* occaſion *to concern himſelf in defending the* tolerableneſs *of* unjuſt, *much leſs of* invalid *deprivations, whilſt the Perſons were* living; *but only in defending the* tolerableneſs *of* preceding Nullities *after the* injured Titles *were* extinct, *when they could* not *be recalled or amended. And this will ſuffice to ſhew that, though there had been* invalidities *in the* Titles *of our firſt* Proteſtant Biſhops *on account of the* better Titles *of the* Popiſh Biſhops *of the ſame* Juriſdictions; *that cannot hurt the Titles of our* Proteſtant Biſhops *now, ſince* their Succeſſion *has ſo long* failed, *and ours been* un-interrupted, *though both had been (as they were not) of the* ſame Communion.

They who took out *Lay-Commiſſions* for their *Epiſcopal Power* might yet keep their *better Title.*

§ XXXV. B U T *withall, neither is that ſo certain, as it may ſeem at the firſt* view, *that even* they *who took out the* Lay-Commiſſions, *did thereby* loſe *their* better Title *to their* Spiritual Authority *received by their* Eccleſiaſtical Conſecrations. *So far indeed it might hold, as to cut all ſuch Perſons off from the* confidence *of pleading the* invalidity *of the* Lay-Deprivations, *that even* ſuch *a* Deprivation *might be juſtly* valid, *on* their principles *who had* owned *themſelves to* have *no* Spiritual Power *but what they had* received *from the* Civil Magiſtrate. *Indeed that worthy Perſon who was pleaſed to conceal himſelf under the aſſumed name of* Anthony Harmar, *from the Proceſſes againſt the* Proteſtant Biſhops *in* Queen Mary's *time ſtill preſerved in the Regiſter of* Canterbury, *tells us that a* Nullity *of* Title *was objected to them by their* Deprivers *on account of theſe* Lay-Commiſſions. *So the words of that* Regiſter *are:* ob **Nullitatem** Conſecrationis ejus, & defectum **tituli** ſui quem habuit à Rege Edwardo ſexto per literas **Patentes** cum hac clauſulâ, dum bene ſe geſſerit. This form was uſed *on* Taylor *Biſhop of* Lincoln, Hooper *Biſhop of* Worceſter *and* Gloceſter, Barlow *Biſhop of* Hereford, *and* Farrar *Biſhop of St* Davids. *The ſame Patents alſo had*

Part. II. §. LV. *p.* 133.

been

been taken out by the Archbiſhop of York, *and the Biſhops of* Cheſter *and* Briſtol, *as the ſame Author informs us, as it ſhould ſeem, out of the ſame* Regiſters. *Probably the* [illegible] *did ſo too after the* Act *in King* Edwards *time. But for thoſe who had received their* Orders *from their* Conſecrations *in the* uſual *way,* antecedently *to their* Patents, *it is juſtly queſtionable whether any Act of theirs could* alienate *the* Power *they had received from* Chriſt. *Much more it is queſtionable whether they could do it by an* indirect *Act, and by way only of* Interpretation, *which is the moſt that can be made of their* Patent. *It is not pretended that they did* renounce *their* Spiritual power *received from* Chriſt *any otherwiſe than as their* owning *another Original of that* ſame *Spiritual Power in their* Patents *may be ſo* Interpreted. *And that* Interpretation *is only grounded on the* inconſiſtency *of theſe* two Originals, *which makes it neceſſary that, if one be* owned, *the other muſt be* rejected, *becauſe they cannot be both* poſſeſſed *at once. But this* inconſiſtency *is applicable both ways, and may as well make their* Patents *null as* inconſiſtent *with their* better *Spiritual Title, as make their* Spiritual Title *null, as* inconſiſtent *with their* Patents. *And it is not in* their *Power* whether *of the two ſhall be a* Nullity *unleſs GOD* intended *that the* Power *ſhould be* alienable *when it was firſt given them. If it was deſigned* unalienable, *all their Acts* afterwards *to* alienate *it muſt have been* Nullities, *as being* inconſiſtent *with the antecedent* Right *of* GOD, *as the* Vows *of* Wives *and* Maids *were under the* Law, *when made againſt the* conſent *of the* Husbands *and* Parents. *And the* will *of* GOD *concerning the* laſtingneſs *of the* Spiritual Power *was manifeſt from the* will *of the* Ordainers *who, before thoſe* Lay-Patents, *never* intended *to confer* Orders *for any other term than that of* Life. *If therefore ſuch would take upon them to* exerciſe *their* Spiritual Power *independently on their* Patent, *though they might contradict the* deſigns *of thoſe who made them take out their* Patents, *in doing ſo; yet, having indeed* Authority *from*

GOD *to do ſo, what they did by that* Authority *might expect a* ratification *from* GOD, *and therefore muſt have been* valid [illegible] Conſcience. *The greater difficulty was that of the others who received their* firſt *Authority from their* Patents *before their* Conſecrations. *Theſe might more plauſibly be thought to receive no* more *Power by their* Conſecration *than what they had* already *received by their* Patent. *Eſpecially if they had the ſame* thoughts *concerning their* own *Conſecration, as Archbiſhop* Cranmer *had, that it gave them no* new Power, *but was only a* Solemnity *of* Inveſtiture *with the* ſame Power *which they had already a* Right *to by their* Patent. *And, if withall the* Biſhops *who* Conſecrated *them had been alſo of the* ſame mind, *and muſt therefore have thought themſelves obliged to* give *them no* new Power *by the* Authority *themſelves had received, not from the* Prince, *but from* Chriſt. *But I have already ſhewed that, even in thoſe encroaching Reigns, there was no* Obligation *laid on the* Biſhops, *to profeſs their* Belief *of thoſe Impious* Opinions. *I have ſhewed that, at the ſame time that they were ſuppoſed in* Practice, *yet their* Belief *was* Odious *and* Singular, *and in expreſs* terms *generally* decried. *I have ſhewed that the moſt received* Opinion *even* then, *was that the* Right *of* Adminiſtring *the* Sacraments *was derived from* Chriſt *and his* Apoſtles, *and by them* given *only to the* Church, *and conſequently that it was only given by the* Acts *of* Eccleſiaſtical Conſecration. *Theſe things therefore being thus* believed *muſt alſo have obliged them* further *to* believe *that whatever* Power *and* Authority *did* follow *from this* Right *of* Adminiſtring *the* Sacraments, *could not be given by the* Lay-Power, *but only by* them *who had* continued *the derivation of that* Right *of* Adminiſtring *the* Sacraments *from* Chriſt *and his* Apoſtles. *Theſe things therefore being generally* believed *by the* Biſhops, *might make them generally* deſign *the* giving *and* receiving *the* ſame Power *in their* Conſecrations *which had been* given *and* received *by Conſecration* formerly. *What then could* hinder *even thoſe Biſhops*

which

which were Conſecrated then *from* receiving *it? It was conſequentially* inconſiſtent *you'l ſay, with thoſe* Patents *by which they derived a* Right *of giving* Orders, *and of inflicting* Spiritual Cenſures *from the* King. *But it was no more ſo, than thoſe* Patents *were with thoſe* Doctrines, *that all* Power *of that kind was to be derived from* Chriſt *and his* Apoſtles, *who had* given *it to the* Church, *not to the* Lay-Magiſtrate. *The* conſequence *whereof muſt be, that being* mutually *inconſiſtent, they ought to be* made conſiſtent *as far as is poſſible, in* Practice, *by* Interpretation. *That is, that* one *Duty be performed ſo* far, *and ſo far* only, *as is* conſiſtent *with the performance of the* other. *But in this way of proceeding, it is unavoydable but that* one *of the two Duties muſt take* place *of the* other, *ſo as to leave no place for the* other *any further than is* conſiſtent *with the* Intereſt *of the* Principal Duty. *And then there can be little doubt, if an* Eccleſiaſtick *be* Judge (*and of ſuch only I am Speaking at preſent*) *whether of the* two *Duties muſt be judged* Principal. *If they be conſidered as* Eccleſiaſticks, *the* Church *is the* Principal Body *for which they* ought *to be concerned. Conſider them alſo as good* Chriſtians, *and as good* Men, *and the ſame* Obligation *will hold ſtill to* prefer *the* Intereſts *of the* Church, *becauſe they are indeed the* greateſt *Intereſts in the Judgment of GOD, and in the Judgment of* Right Reaſon; *and the moſt immediatly and firmly* obliging *that which is indeed the immediate* Subject *of* Obligations, *the* Conſcience. *All therefore that Perſons ſo* perſwaded *could* promiſe, *and which the* Magiſtrates *of that* Age *acting againſt* Principles *might be* Satisfied *with, as ſufficiently anſwering his* ends, *was to behave themſelves in reference to the* Magiſtrate, *ſo as if indeed they had no* Power *but what they* derived *from* him. *That was to hold their* places, *from* whomſoever *they had* received *them, no longer than* He *was pleaſed they* ſhould *hold them. This* Promiſe *they might make as to the* Temporalties, *that they would be no longer* Legal Biſhops *entitled by the* Secular Laws *to* Temporalties. *Tho' this*

was a particular Hardſhip *put upon their* Order: *For as for the* Secular Peers *the held their* Peerage *by* Law, *not barely at the Pleaſure of the* Prince. *However, theſe conditions importing no loſs of* Spiritual *Authority, the* Biſhops *might with a ſafe Conſcience ſubmit to, when* impoſed *on them by unavoidable* force. *They might alſo* promiſe, *when they were* deprived *of their* Temporals, *to quit their* Spirituals *alſo, in order to the qualifying* another *of the* ſame Communion *to* ſucceed *them without any imputation of* Schiſm. *But a* general promiſe *of* this kind *could not oblige them, when* quitting *their* Rights *might* betray *the* Church, *and make it depend precariouſly on the* pleaſure *of the* Magiſtrate. *However they, not* foreſeeing *this* Caſe, *and not* fearing *it in the Circumſtances then in view, might* make *this indefinite* Promiſe, *and* intend *really to* fulfill *it. And whether they did* well *in doing ſo, or no, yet they might do it without owning the* Right *to* Spiritual Power *to be at the* diſpoſal *of the* Civil Magiſtrate. *Yet as long as they did* not *think it his* Right, *they could not think themſelves obliged in* Conſcience *to* quit *their pretenſions to their* Spirituals, *barely becauſe the* Magiſtrate *was pleaſed to* invade *them. All the* Obligations *therefore they could have to do it, muſt either have been from their* Promiſe, *or from the preſent* exigencies *of the* Caſe *which might, in their* Opinion, *ſeem to require it. Yet all this was* conſiſtent *with an* Opinion *that whilſt they had the* Power, *they had it from an* Authority *Superior to that of the* Civil Magiſtrate, *which* till *the* Magiſtrate *did* deprive *them, might make all their* Acts valid *as done by a* Divine Commiſſion. *It is very plain withall, that after the* Patent *was given, yet the* Magiſtrate *himſelf took care to* recommend *them to* Biſhops *for their* Conſecration. *Why ſo, unleſs he believed that if he had done otherwiſe, his* Biſhops *would never have been taken for* valid Biſhops, *with regard to* Conſcience? *VVhy ſo, if he had not therein* deſigned *to gratify the* Ancient *and* Received *Opinions concerning the* Original *of* Church-Power,

which

which without ſuch Conſecration, *ſuppoſed them liable to ſo* juſt *Exceptions? It was not the* Magiſtrates *fancy that* Conſecration *gave them* no *new* Power, *that could* hinder *the* Biſhops *and the* People *too, who were rightly informed concerning the* nature *of the* Spiritual Society, *from* judging *Conſecration* neceſſary *for* obtaining *that Power which is purely* Spiritual. *And it's being* thought *neceſſary by the* Biſhops *was enough to* oblige *the* Conſecrating Biſhops *to* give, *and the* Conſecrated Biſhops *to* receive, *that* Spiritual Power, *which, in* their *Opinion, could* not *be had otherwiſe then by their* Conſecration. *And* intending *to* give, *and* receive *it, what could hinder their* Intentions *from the uſual* Succeſs, *when the ſame* Solemnities *were uſed by Perſons equally* Authorized *to* give *it with thoſe who had been* uſed *to give it* formerly? *Nor could the* Magiſtrate *expect, that to gratify* him, *they ſhou'd defraud* themſelves *of any* Priviledges *or* Powers *received by their* Anceſtors, *and* convey'd, *as before, from* Perſons *empower'd to adminiſter the* Solemnities *and* Rites *of* Conſecration: *Such a* Singular obſequiouſneſs *and* ſelf-denial *is this, He could not I ſay, either in* Conſcience *or* Equity *pretend to* expect, *unleſs He had ſecur'd it in* expreſs *Terms, and exacted a* particular *Profeſſion*; *a* Profeſſion, *that might make it* inconſiſtent *with the Biſhops* Veracity *to* give, *or* receive, *the uſuall* Power, *as by the ſame* Solemnities *and* Authority *it had been* given, *and* received, *by their* Anceſtors. *Rather on the contrary, the* Permiſſion *of the ſame* Solemn Rites, *and the ſame* Authority *in adminiſtring them as* before, *without any* new Security *againſt the uſual* effect, *is an Argument the* Prince *left it to their Liberty to* intend *the* giving *and* receiving *the ſame* Spiritual Power *from* CHRIST, *as had been uſually* conveyed *by the ſame* Miniſtry. *He therefore contented him*

ſelf-

ſelf with the Security *given him by the* Patents, *that from* whomſoever *they received the* Right *of being* Biſhops *in regard to* Conſcience, *yet they ſhould not be* Biſhops *in* Law *intitled to* Baronies *and* revenues *any longer than* he *pleaſed. This being ſo, it will follow that what they did before* Deprivation *was* valid *in* Conſcience *and in* Law *alſo; but what they did* afterwards, *though that might alſo be* valid *in* Concſience, *yet it was not to be* vaild *in* Law. *Our* firſt Conſeerations *were of the* former *ſort, and therefore were not the* leſs *valid in* Conſcience *for having the acceſſion of a* validity *in* Law. *Thus our firſt* Conſecrations *might derive a* Title *to our Preſent Fathers in* Conſcience *not* deprivable *at the* pleaſure *of the* Civil Magiſtrate *with regard to* Conſcience. GOD *awaken the zeal of our late* Fathers *and* Brethern *for* aſſerting *theſe* Rights *in* Conſcience *which are ſo* eſſential *to their being our* Fathers *and our* Brethren, *and for the* Religion *and* Communion *of our late* common Chnrches *in theſe Kingdoms. And may our* common LORD *plead the Cauſe of his diſtreſſed and deſerted* Spouſe.

THE END.

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